

Current Practices in Enforcement of California Laws Regarding Youth Access to Tobacco Products and Exposure to Secondhand Smoke

Survey Report — June 2007

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Executive Summary

Since the inception of the tobacco control program in California, the Department of Public Health, Tobacco Control Section (TCS) has devoted considerable resources to stimulate adoption of state laws and local ordinances, conduct media advocacy and education to stimulate compliance, and train enforcement agencies to increase active enforcement of laws designed to reduce illegal sale of tobacco to minors and exposure to secondhand smoke

From 1996-2000, TCS tracked the activities of local enforcement agencies as part of the Independent Evaluation (IE) of the California Tobacco Control Prevention and Education Program. Beginning late 2003, the Technical Assistance Legal Center (TALC) took on the task of periodic assessment of local enforcement agencies activities.

This report presents findings on the amount and type of enforcement of youth access and secondhand smoke laws occurring throughout California in 2006 and early 2007, and compares these findings to the results of our 2004 statewide enforcement agency surveys. In addition, trend analyses of data collected from enforcement agencies in the 18 counties that were the focus of the IE are also included to determine changes in enforcement activity since 1996.

Methods

Youth Access Enforcement Survey

The youth access survey addressed enforcement of Penal Code (PC) §308(a), prohibiting the sale of tobacco products to people less than 18 years of age, and PC§308(b), prohibiting anyone less than 18 years of age to buy or possess tobacco. Of the 297 surveys received, 26 were removed from the analyses because they were submitted by an agency that was not the main enforcement agency, or because they were duplicates from the same agency. This resulted in a valid sample of 271 agencies.

Secondhand Smoke Enforcement Survey

The secondhand smoke (SHS) survey focused on enforcement of: Labor Code (LC) §6404.5 Smoke-free Workplaces; LC§6404.5 Smoke-free Bars; and Government Code (GC) §7596-7598 that bans smoking proximal to entrances, exits, and operable windows, and covered parking areas of city, county, and state government buildings. Of the 259 surveys received, 195 self-identified as primary enforcers for LC§6404.5, and 169 self-identified as primary enforcers for GC§7596-7598, and 58 agencies shared enforcement responsibilities with the primary enforcers.

Summary of Findings and Discussion

Youth Access

- The youth access survey results indicate that enforcement agency actions have continued to decline since 1998. Statewide, about one-quarter of enforcement agencies conducted youth decoy operations in 2007, down significantly from about 30% in 2004.
- Fewer than 5% of enforcement agencies report that warnings and citations were issued to merchants “often” or “very often.” This decrease may be related to the dramatic drop in the average number of youth decoy operations from almost 11 operations per year reported in 2004 down to 3.6 per year in 2007.
- From 2004 to 2007, there was a slight drop in the proportion of law enforcement agencies reporting that they issued warnings to minors possessing tobacco products, but those issuing citations remained the same. There were no significant changes in these types of activities since the 2004 survey.
- Law enforcement agencies continue to rank various policies and procedures such as suspension/revocation of licenses, and civil and criminal penalties for owners and clerks, as effective strategies to reducing youth access to tobacco.
- The continuing reduction in the percent of agencies actively enforcing PC308(a) is disappointing, given that TCS has continued to expend resources to stimulate enforcement through trainings, and technical assistance to law enforcement agencies.
- In 2007, significant predictors of whether decoy operations were conducted were: perceptions of greater collaboration with other agencies; lower perceived barriers to enforcement; and receipt of funding. These findings confirm the importance of providing ongoing support for local law enforcement agencies.
- Agencies operating in jurisdictions with strong local retail licensing ordinances reported conducting four times as many decoy operations over the prior 12 months than did agencies in jurisdictions without strong ordinances, underscoring the value of local policy actions.
- Law enforcement agencies’ perspectives on various policies and procedures as effective strategies to reducing youth access to tobacco may be useful to local programs attempting to strengthen youth access laws in their communities, and may represent an opportunity for collaboration with their local law enforcement agencies on these efforts.

Secondhand Smoke

Enforcement of LC§6404.5 — Smoke-free Workplaces (Excluding Bars)

- Almost two-thirds of enforcement agencies throughout California reported conducting at least one workplace-related SHS enforcement activity in year prior to the 2007 statewide SHS survey.
- About half the agencies reported in 2007 that they responded to inquiries and complaints and conducted compliance checks, but relatively few agencies issued fines or citations. Agencies in rural counties reported issuing significantly fewer warnings for violations of LC§6404.5 than did agencies in urban and suburban counties.
- Among the agencies that completed both the 2004 and 2007 statewide SHS surveys, there is a significant decline in the percent reporting involvement in all types of SHS workplace enforcement actions. Agencies in the IE sub-sample from 1996 to 2007 shows similar declines in nearly every enforcement actions across the five survey waves.
- Most enforcement agencies perceive that the rate of compliance with workplace SHS laws is high, and few believe that the workplace SHS problem is very serious in their community.
- Agency ratings of the relative importance of enforcement of SHS laws, as compared to other laws, is the only independent predictor of whether any SHS compliance checks were conducted in the prior year. Even so, agencies rate enforcement of laws that prohibit smoking in indoor public areas as being only moderately important.
- Significant declines are seen statewide from 2004 to 2007 in the percent of agencies reporting collaboration with businesses, voluntary health organizations, and educational organizations on SHS workplace law enforcement.
- As in 2004, salient barriers to enforcement of SHS laws are limited agency staff and insufficient budget.

Enforcement of LC§6404.5 — Smoke-free Bar Provision

- Levels of enforcement of the smoke-free bar provision are higher than for other workplace provisions included in LC§6404.5. Almost three-quarters of the responding agencies in 2007 conducted at least one bar-related SHS enforcement activity during the previous six months, about the same as in 2004.
- Half or more of all agencies reported that they responded to inquiries and complaints, down from 2004, and about the same percentage educated bar owners and others about the law. More than two-third of agencies report conducting compliance checks, fewer than half issued warnings, and fewer than one-quarter of all agencies issued citations or fines for violation of the smoke-free bar provision, all down from 2004.

- Significant declines are seen statewide from 2004 to 2007 in the percent of agencies reporting that they had responded to inquiries, responded to complaints, conducted compliance checks, issued warnings, and issued citations related to SHS laws in bars.
- Only one variable was found to be an independent predictor of whether SHS compliance checks were conducted in bars during the previous six months: greater relative importance of enforcement of SHS laws in bars. Nevertheless, compared to other laws enforced by respondent agencies, enforcement of laws that prohibit smoking in bars specifically is rated by agencies as being only moderately important, down from the rating level reported in 2004.
- Among all agencies reporting that they issued any citations for violation of the LC§6404.5 smoke-free bar provision, only 3% reported having issued at least one citation for a hookah bar or lounge violation in the previous six months.

Enforcement of GC§7596-7598 — Smoke-free Doorway and Window Areas

- The levels of enforcement activities related to GC§7596-7598 are lower than for either of the smoke-free workplace provisions of LC§6404. Statewide, only about half of the responding agencies reported conducting any enforcement activities related to this law. Fewer than half conducted compliance checks related to this law, more than one-third responded to inquiries and complaints, and less than one-third issued warnings. Very few agencies issued citations or fines for violations of the law.
- Most of the agencies believe that this issue is less serious than other community problems, and that there is fairly good compliance in their jurisdiction..
- Barriers to enforcement, such as limited staff and insufficient funding, ranked at about the same level as the perceived barriers to enforcing smoke-free workplace laws.
- The only significant predictor of whether an agency conducted any enforcement activity regarding GC§7596-7598 is the level of collaboration with other community groups and agencies.
- Enforcement agencies believe that there are high rates of compliance in their communities with the three SHS laws that were addressed in the survey. There is, however, variability in enforcement of SHS laws at the local level.
- The findings point to important roles Local Lead Agencies and their partners can play both in educating their communities and enforcement agencies about reducing exposure to secondhand smoke through law enforcement, and in facilitating collaboration with SHS enforcement agencies.

Introduction

Since the inception of the tobacco control program in California, the Department of Public Health, Tobacco Control Section (TCS) has identified as high priorities reducing the illegal sale of tobacco to minors and reducing exposure to secondhand smoke. Strategies have been pursued at the state and local levels to stimulate adoption of state laws and local ordinances, conduct media advocacy and education to stimulate compliance, and train enforcement agencies to increase active enforcement of these laws. Technical resources [e.g., Technical Assistance Legal Center (TALC), Bar and Restaurant Employees Against Tobacco Hazards (BREATH), and the Center for Tobacco Policy and Organizing (the Center)] have been funded at varying points in time by TCS to work with local jurisdictions on policy development and enforcement strategies.

During the period 1996-2000, TCS tracked the activities of local enforcement agencies as part of the Independent Evaluation (IE) of the California Tobacco Control Prevention and Education Program . The IE tracked activities and assessed outcomes in 18 “focal counties” selected to represent the entire state, and employed multiple data collection methods that were implemented in three waves (1996, 1998, and 2000).

Independent Evaluation Focal Counties (1996-2000)

Media Markets

Fresno
Los Angeles
Sacramento
San Diego
San Francisco

Medium-Density

Monterey
San Bernardino
Shasta
Yuba

High-Density

Alameda
Contra Costa
Orange
San Mateo
Santa Clara

Low-Density

Lake
Lassen
Mono
Plumas

In late 2003, the TALC scope of work was amended to include the assessment of the level of enforcement of state laws pertaining to illegal tobacco sales to minors and secondhand smoke through two survey waves (2004 and 2007). The 2004 and 2007 TALC law enforcement surveys represent an extension of the earlier IE survey efforts which were limited to enforcement agencies in the 18 focal IE counties. In contrast to the IE, the TALC law enforcement surveys were disseminated to all enforcement agencies responsible for enforcing these two categories of laws in California.

This report presents findings on the amount and type of enforcement of youth access and secondhand smoke laws occurring throughout California in 2006 and early 2007, and compares these findings to the results of the 2004 TALC enforcement agency survey. In addition, trend analyses of data collected from enforcement agencies in the 18 counties that were the focus of the IE are also included to determine changes in enforcement activity since 1996.

Methods

Enforcement Agency Surveys

Two separate written surveys were administered to enforcement agencies in California. One survey focused on the enforcement of state policies related to youth access to tobacco while the other survey focused on the enforcement of state and local policies related to exposure to tobacco smoke.

Specifically, the youth access (YA) survey focused on enforcement of Penal Code (PC) §308(a), prohibiting the sale of tobacco products to people under 18 years of age, and PC§308(b), prohibiting anyone under 18 years of age to buy or possess tobacco. The secondhand smoke (SHS) survey focused on enforcement of: Labor Code (LC) §6404.5 Smoke-free Workplaces; LC§6404.5 Smoke-free Bars; and Government Code (GC) §7596-7598 that bans smoking proximal to entrances, exits, and operable windows, and covered parking areas of city, county, and state government buildings. Both survey instruments contained primarily closed-ended questions that asked about enforcement activities over the past six or 12 months. Areas queried in the surveys included: issue salience, perceived importance of agency enforcement, perceived compliance with policies, involvement in enforcement activities, perceived barriers to enforcement, collaboration with other agencies on enforcement efforts, and perceived effectiveness of enforcement policies/procedures.

Survey Respondents

Youth Access Enforcement Survey. All police and sheriff offices in all California counties and municipalities were initially targeted for the survey. Our 2004 survey database of enforcement agencies was reviewed and updated through phone and e-mail contacts with TCS staff, Kelly Gordon, and Capricia Borrero (TALC). Additionally, TCS staff e-mailed a request to LLAs that they update they review the 2004 contacts and update the contacts in their jurisdictions. More than 43 LLAs provided updated contact information.

Surveys were mailed to 341 police departments, 103 sheriff offices or substations, and 41 city and county agencies (including 10 code enforcement departments), for an attempted census of 485 agencies. (Note that in some jurisdictions surveys were sent to multiple agencies and/or individuals to ensure response from the correct enforcement agency.) After removing agencies stating that they were not responsible for enforcement or did not currently enforce, incorrect contacts at agencies, and duplicates where one agency was responsible for multiple jurisdictions, the total sampling pool was 392, out of which 297 agencies returned completed surveys, for a response rate of 76%. Of the 297 surveys received, 26 were removed from the analyses because they were submitted by an agency that was not the main enforcement agency, or because they were duplicates from the same agency. This resulted in a valid sample of 271 agencies. County-level data were obtained from all 58 counties except Alpine, Del Norte, Glenn County, Humboldt, Imperial, Kings, Lake, Lassen, Los Angeles, Merced, Modoc, Monterey, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, Solano, Stanislaus, and Ventura;

however, information was received from at least one jurisdiction within each of these counties with the exception of Alpine.

Secondhand Smoke Enforcement Survey. Our 2004 survey database of enforcement agencies was reviewed and updated through phone and e-mail contacts with TCS staff and Dian Kiser (RESPECT). Additionally, TCS staff e-mailed a request to LLAs that they update they review the 2004 contacts and update the contacts in their jurisdictions. More than 43 LLAs provided updated contact information.

Surveys were mailed to 225 police departments, 65 sheriff offices or substations, 54 code enforcement agencies, and 124 miscellaneous city and county agencies (including city attorneys, city managers, health departments, fire departments), for an attempted census of 468 agencies. After removing agencies replied stating that they were not responsible for enforcement, incorrect contacts and duplicate agencies responsible for multiple jurisdictions, the total sampling pool was 403, out of which 259 agencies returned completed surveys, for a response rate of 64%. Of the 259 surveys received, 195 self-identified as primary enforcers for LC§6404.5, and 169 self-identified as primary enforcers for GC§7596-7598, and 58 agencies shared enforcement responsibilities with the primary enforcers. Sixteen of 58 counties were not represented by main enforcement agency respondents: Alpine, Colusa, Contra Costa, Del Norte, El Dorado, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mono, Santa Cruz, Sierra, Trinity, Tulare.

Procedures

Youth Access Enforcement Survey. The youth access survey was sent to all potential respondents during the last week of January 2007. In addition to the first mailing, agencies received up to two reminder postcards, a second survey, and reminder phone calls in order to maximize the response rate. Data collection was completed by the end of April 2007.

Secondhand Smoke Enforcement Survey. The SHS survey was mailed to all potential respondents in mid-February 2004. In addition to the first mailing, agencies received up to two reminder postcards, a second survey, and reminder phone calls in order to maximize the response rate. Data collection was completed by early May 2007.

All surveys were written in English. Public Health Institute staff checked each returned survey for completeness and clarity prior to data entry. In some cases, phone calls and faxes to agencies were necessary to clarify responses. Following detailed review of each returned survey, 281 YA surveys and 261 SHS surveys were electronically key-entered and verified by Data4U in Sunnyvale. Analyses were conducted using SPSS 11.5 for Windows and SPSS 11.0 for Macintosh.

Results: Enforcement of Youth Access Laws

In this section we present our findings from the 2007 statewide survey of agencies charged with enforcing PC§308(a), prohibiting the sale of tobacco products to persons under 18 years of age, and PC§308(b), prohibiting anyone under 18 years of age to buy or possess tobacco. Data are reported from only one main agency per jurisdiction (municipality or county). The report contains results from the total samples of respondents in 2004 and 2007, and analyses of change between 2004 and 2007 in a subset of respondents with youth access (YA) data from both surveys. The report also contains data reported by enforcement agencies that are situated in the 18 focal counties of the 1996-2000 Independent Evaluation (referenced as the IE sample) and a subset of IE enforcement agencies for which we have five waves of YA enforcement data.

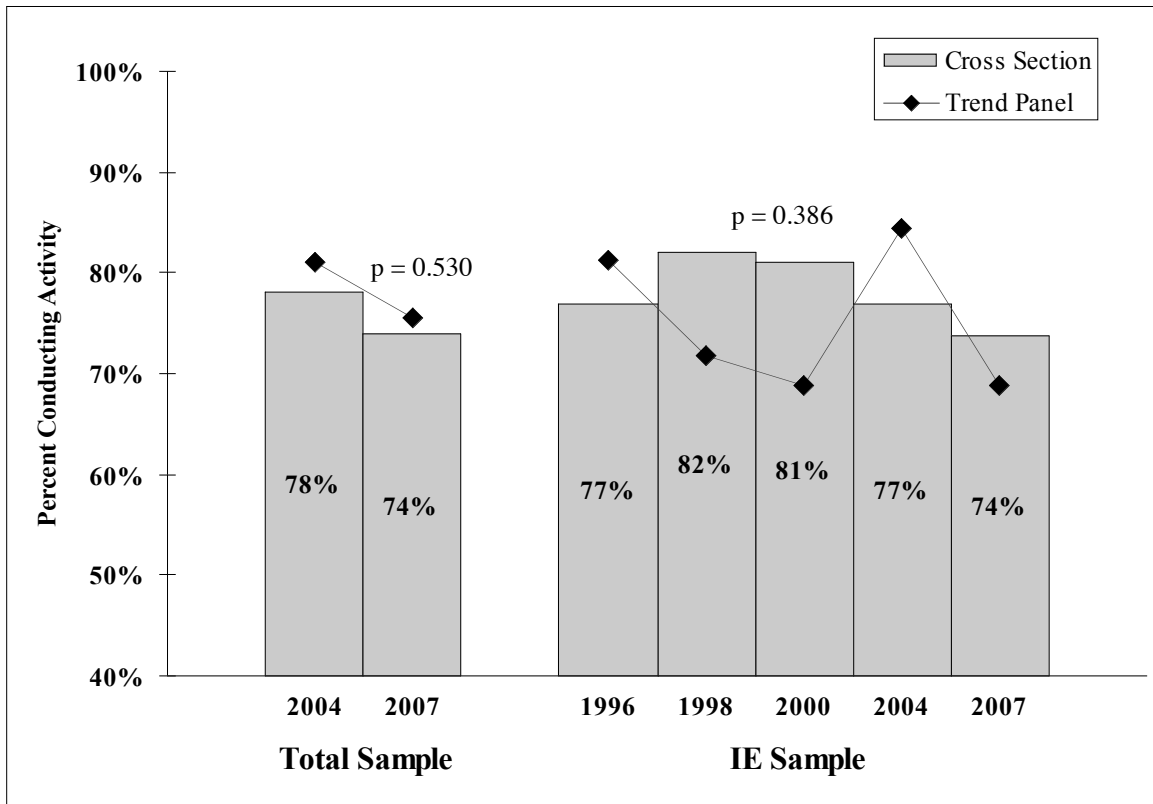
Warnings and Citations for Violations by Merchants

Warnings. On the left side of Figure YA-1a, we report data for all agencies responding to this item in the 2004 and 2007 statewide SHS surveys, both as serial cross-sections with all valid responses in either wave (bars), and for the panel of agencies that reported valid responses in both 2004 and 2007 (trend line). On the right side of the figure, we report 1996-2007 data only for those agencies from the 18 focal IE counties, also as serial cross-sections and as a panel.

Figure YA-1a shows that statewide, 74% of YA enforcement agencies reported having issued warnings to merchants selling tobacco products to minors in the year prior our 2007 survey. Of the 210 agencies responding to this question, about one-third (31%) reported that they only “rarely” issued warnings to merchants, and only 3% reported that they issued warnings “very often.” There are no differences among LLA-designated urban, suburban, and rural counties on this variable, and the decrease from 81% in 2004 to 76% in the 2004-2007 statewide panel is not significant (Chi-squared = 0.40, $p = 0.530$, $n = 106$).

Among the 127 IE-county enforcement agencies that provided valid responses in 2007, 74% had issued warnings to merchants in the previous 12 months (see Figure YA-1a). In the panel of IE respondents with valid data across all survey waves, no significant differences were detected on this measure (Cochran’s $Q = 4.15$, $p = 0.386$, $n = 32$).

Figure YA-1a
Percent of Agencies Issuing Warnings for
Youth Access Violations by Merchants

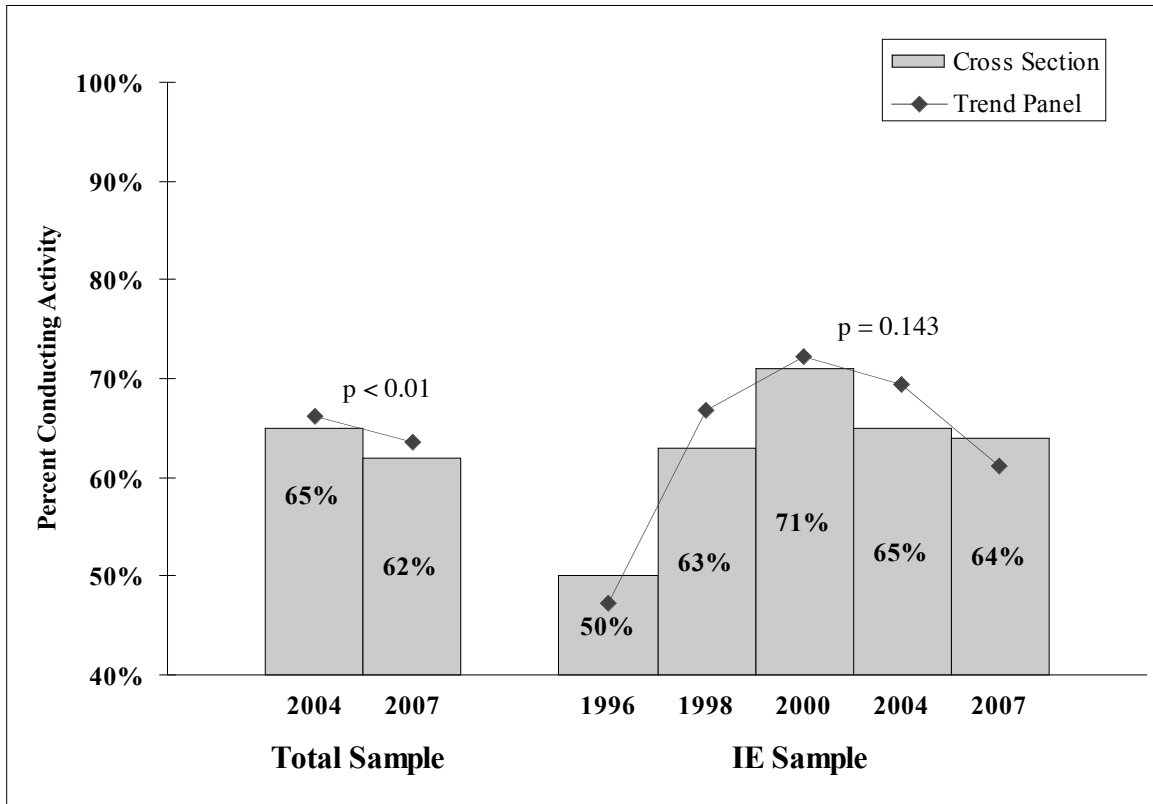


Source: IE Youth Access Enforcement Survey, 1996, 1998, 2000; Statewide Youth Access Enforcement Survey, 2004, 2007.

Citations. Figure YA-1b shows that statewide in 2007, 62% of YA enforcement agencies statewide reported having issued citations to merchants in the prior 12 months. The frequency distribution of responses to this question is skewed, with 28% of 221 agencies reporting that they “rarely” issued citations, and 4% reporting that they did so “very often.” There are no differences among urban, suburban, and rural counties on this variable; however, the decline in citations issued to merchants from 2004 (66%) to 2007 (64%) is statistically significant (Chi-squared = 9.00, $p < 0.01$, $n = 118$).

The percent of agencies within the IE panel that issued citations is not significantly different across the five survey waves (Cochran’s $Q = 6.87$, $p = .143$, $n = 36$).

Figure YA-1b
Percent of Agencies Issuing Citations for
Youth Access Violations by Merchants



Source: IE Youth Access Enforcement Survey, 1996, 1998, 2000; Statewide Youth Access Enforcement Survey, 2004, 2007.

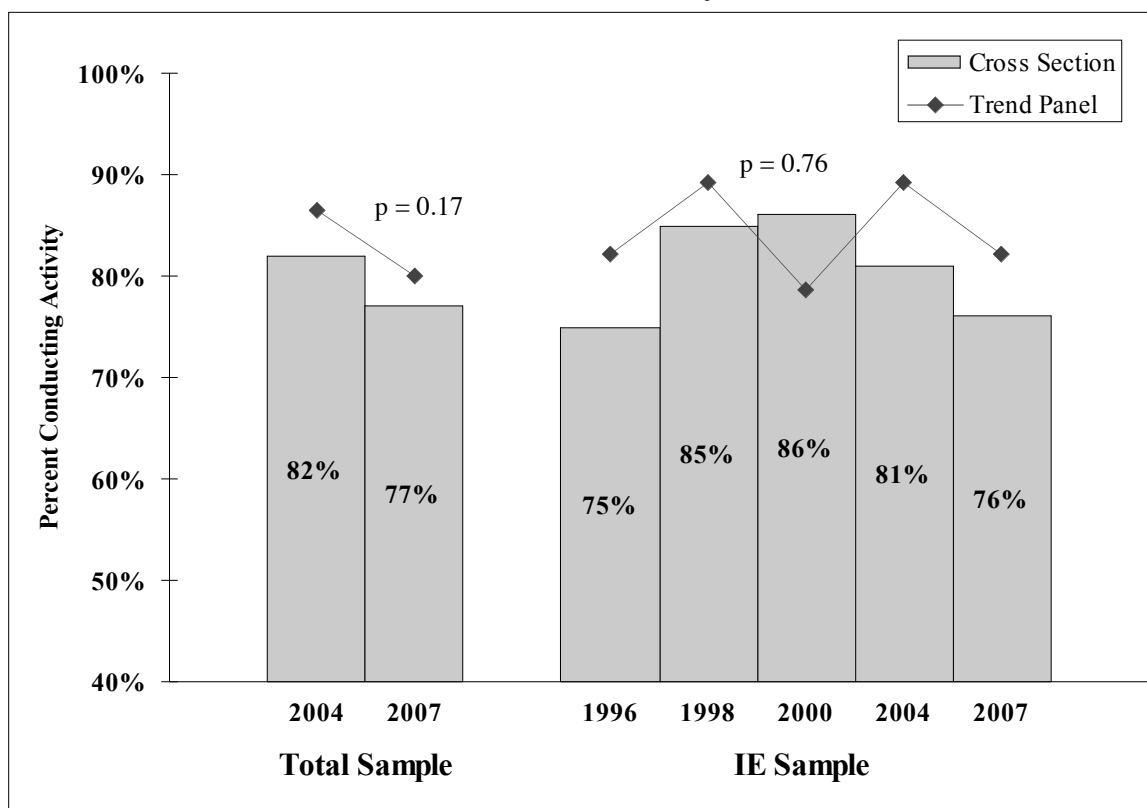
About one-third (33%) of all agencies reported having issued at least one citation to persons giving or selling tobacco products to minors (not only merchants illegally selling tobacco products). This rate did not differ significantly across agencies in urban (34%), suburban (40%), or rural (24%) counties ($p = 0.013$). Among the agencies that reported having issued at least one citation for violations of PC§308(a), a mean of 8.3 citations were issued during the prior year. Averages for agencies in urban (mean = 10.6 citations issued), suburban (mean = 7.6), or rural (mean = 6.0) counties did not differ significantly ($p = 0.32$). Of the agencies that responded to the 2004 and 2007 surveys, only 16% reported having issued at least one citation to persons giving or selling tobacco products to minors.

Warnings and Citations for Violations by Minors

Warnings. Figure YA-2a shows that 77% of YA enforcement agencies statewide reported in 2007 having issued YA warnings to minors in the previous 12 months. Of the 210 agencies responding to this question, fewer than one-third (30%) reported that they “rarely” issued such warnings to minors, and only five agencies (2%) reported that they issued warnings “very often.”

There were no differences among urban, suburban, and rural counties on this variable, and no significant change was detected statewide from 2004 to 2007 ($p = 0.17$) or across the five waves for the IE panel ($p = 0.76$).

Figure YA-2a
Percent of Agencies Issuing Warnings for
Youth Access Violations by Minors



Source: IE Youth Access Enforcement Survey, 1996, 1998, 2000; Statewide Youth Access Enforcement Survey, 2004, 2007.

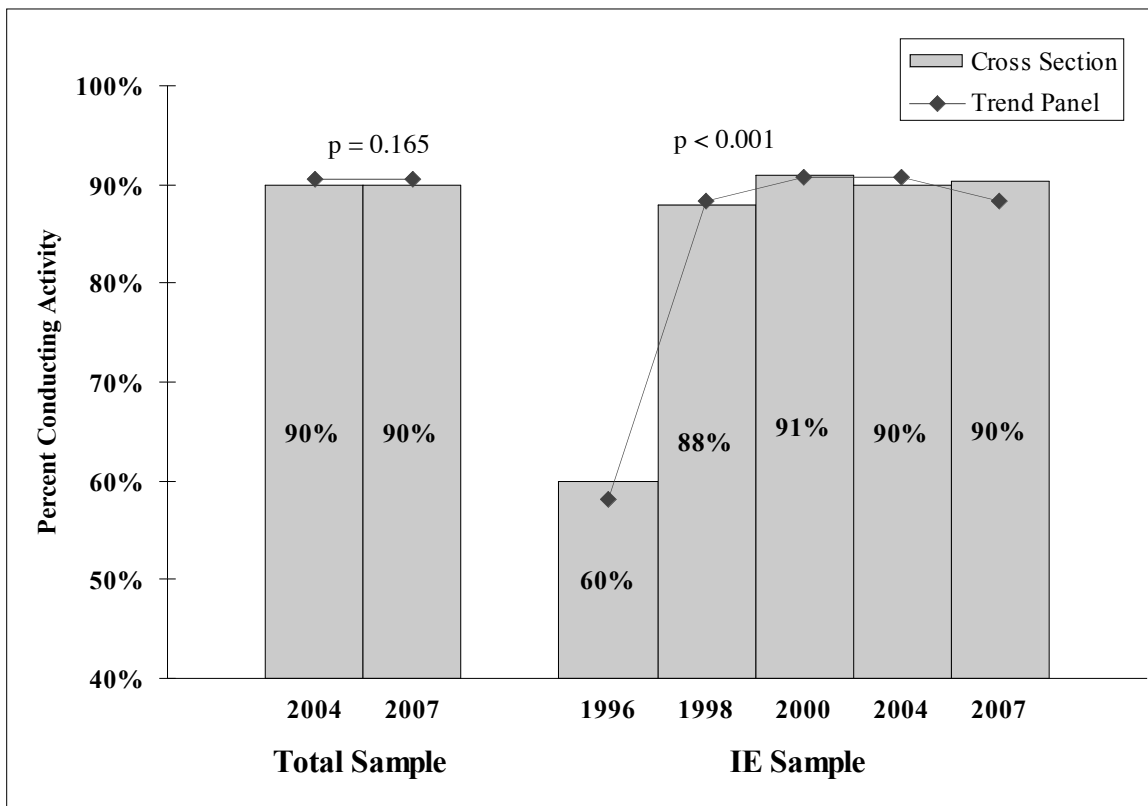
Citations. Figure YA-2b also shows that 90% of YA enforcement agencies statewide in 2007 reported having issued citations to minors in the previous 12 months. This is unchanged from 2004. The frequency distribution of responses to this question shows that 17% of 249 agencies reported that they “rarely” issued citations, and 24% reported that they did so “often” or “very often.” There were no differences among urban, suburban, and rural counties on this variable ($p = 0.68$), and no significant changes were detected statewide from 2004 to 2007 ($p > 0.9$).

In the 12 months prior to the 2007 survey, agencies across the state reported issuing an average of 24.1 citations to minors for possession of tobacco products [PC§308(b)]. Among those agencies that issued at least one citation to a minor for violation of PC§308(b), the average was 29.4 citations in the prior 12 months. Citation activity for agencies from urban (mean = 42.3

citations issued), suburban (mean = 28.8) or rural (mean = 16.3) counties differed significantly in the 2007 survey ($p = 0.014$).

The agencies in the IE panel reported that citations to minors for PC§308(b) violations increased from 1996 to 1998, but have remained relatively flat since (Figure YA-2b). Our five-wave analysis reveals a significant difference over time, but this is due to the low rate in 1996 ($p < 0.001$). No significant changes on this variable were detected statewide between 2004 and 2007 ($p = 0.165$).

Figure YA-2b
Percent of Agencies Issuing Citations for
Youth Access Violations by Minors



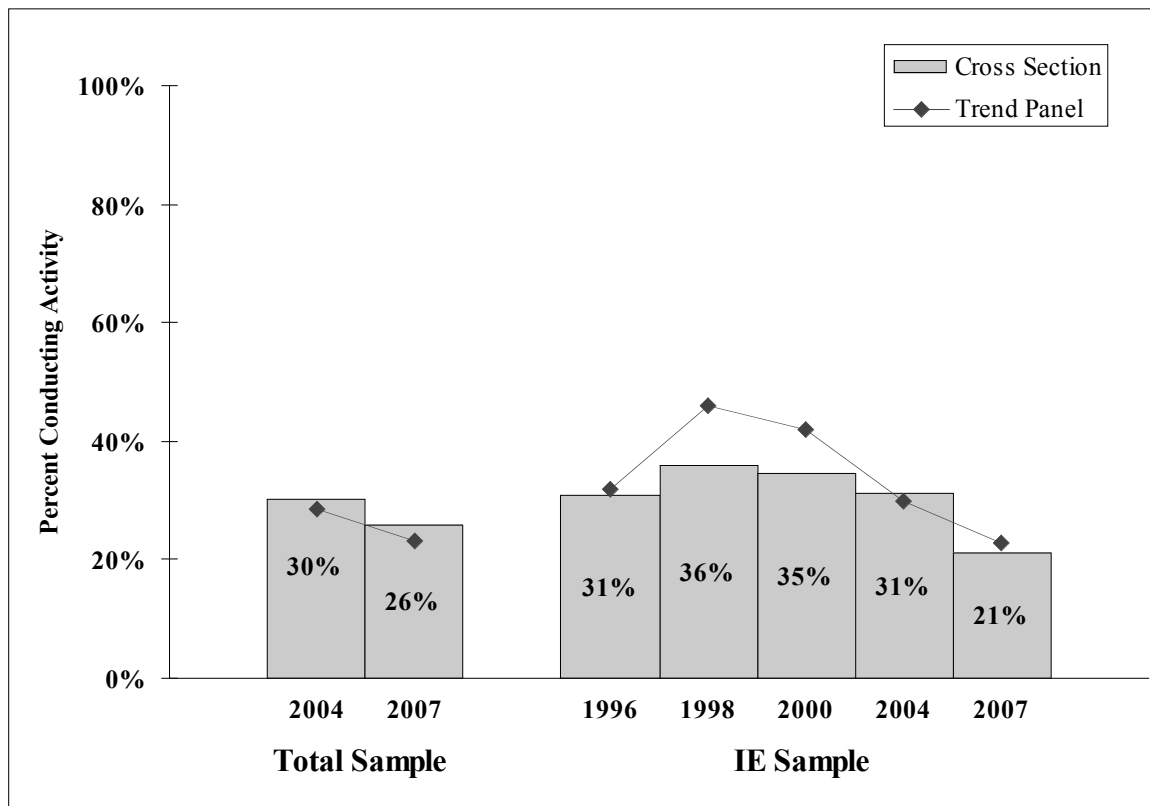
Source: IE Youth Access Enforcement Survey, 1996, 1998, 2000; Statewide Youth Access Enforcement Survey, 2004, 2007.

Illegal Sales of Tobacco to Minors

Decoy Operations. Decoy operations (also known as stings or undercover buying attempts) are conducted by enforcement agencies to determine if retail tobacco outlets are in compliance with the law. Figure YA-3 shows that 26% of all YA enforcement agencies statewide reported having conducting at least one decoy operation in the 12 months prior to the 2007 survey. Among the agencies reporting data in both 2004 and 2007, there is a significant decline in decoy operations (Chi-squared = 22.46, $p < 0.001$, $n = 161$). Similarly, we see a significant difference in the

percentage of agencies conducting decoy operations among the sub-sample of IE-county agencies that had responded to this item (or the earlier “sting” IE survey item) in all five waves of the YA survey (Cochran’s $Q = 10.20$, $p = 0.037$, $n = 57$).

Figure YA-3
Percent of Agencies Conducting Decoy Operations



Source: IE Youth Access Enforcement Survey, 1996, 1998, 2000; Statewide Youth Access Enforcement Survey, 2004, 2007.

Among the agencies that conducted at least one decoy operation in the previous year, an average of 64% of local tobacco outlets in the enforcement jurisdiction were included in one or more decoy operation. Most stores visited in decoy operations were chosen: (a) in response to complaints (27% of agencies reporting); (b) selected at random (21%); or (c) as part of a census of all stores in the jurisdiction (18%). Among those conducting at least one decoy operation, agencies statewide conducted an average of 3.6 operations in the prior year, down from almost 11 operation per year reported in 2004. Agencies in urban, suburban, and rural counties conducted an average of 5.9, 3.7 and 1.5 operations, respectively, a significant overall difference ($p = 0.02$).

Estimates of Illegal Tobacco Sales. Agencies that conducted decoy operations during the 12 months prior to the 2007 survey reported that an average of 13.7% of retail outlets visited made illegal sales to youth decoys. The rates estimated by agencies in urban (14%), suburban (10%), and rural (19%) counties were not significantly different from one another ($p = 0.085$).

Prosecution of Illegal Sales. In 2007, enforcement agencies statewide reported that, on average, about 57% of citations issued to retailers were prosecuted in the prior 12 months. The prosecution rate reported from agencies in urban (68%), suburban (56%), and rural (47%) counties did not differ significantly ($p = 0.50$). The serial cross-sectional differences between 2004 (19% of citations issued to retailers were reported to have been prosecuted) and 2007 (57% reported prosecuted), but the apparent effect vanishes in the analysis of the panel of agencies that report both 2004 (51%) and 2007 (52%) prosecutions.

Summary data on PC §308 (a) and (b) activities by enforcement agencies responding to the 2007 survey are presented in Table YA-1.

Table YA-1
Frequency of enforcement activities related to Penal Code §308
conducted by agency during the last 12 months

	<i>Mean (SD)*</i>	<i>Ever ** (% agencies)</i>	<i>Valid N</i>
a. Issued warnings to minors attempting to purchase tobacco products	2.74 (1.53)	77	210
b. Issued warnings to merchants selling tobacco products to minors	2.66 (1.59)	74	210
c. Issued citations to minors for illegal possession or purchase of tobacco products	3.95 (1.80)	90	249
d. Issued citations to merchants for illegal sales of tobacco products to minors	2.51 (1.76)	62	221
e. Issued warnings or citations to individuals (other than merchants) for giving tobacco products to minors	2.10 (1.19)	67	202
f. Issued warnings or citations to merchants for selling bidis to minors	1.79 (1.34)	39	185
g. Issued warnings or citations to merchants for selling individual cigarettes or packages of less than 20	1.73 (1.30)	39	204
h. Issued warnings or citations to merchants for not posting 1-800-ASK4ID sign	1.89 (1.51)	40	207

* 1 = Never, 2 = Rarely, 7 = Very Often

** Ever is any valid response other than "Never"

Predictors of Youth Access Enforcement

Data on the following factors were collected in the 2007 YA survey to determine their influence on youth access enforcement: impact of the problem; relative importance of enforcement; barriers to enforcement; collaboration between enforcement and health groups; beliefs about the effectiveness of youth access laws; and funding for local enforcement. We first review the findings on these individual factors that may influence youth access enforcement and then report on results of multivariate analyses focusing on the 2004 and 2007 statewide surveys.

Seriousness of the Problem. In 2007, most enforcement agencies reported that kids getting tobacco products is “not at all serious” (18% of 248 valid responses) or only “somewhat serious” (51%). Fewer than one-third of agencies reported that this problem is “serious” (22%) or “very serious” (9%). and, there was a significant overall difference in mean ratings of the seriousness of this community problem among urban (mean = 2.89 on a 4-point scale, with 1 = “very serious” and 4 = “not at all serious”), suburban (mean = 2.91), and rural agencies (mean = 2.51) ($F = 5.55$, $df = 2$, $p = 0.004$).

Importance of Enforcement. As compared to other policies that the agency enforces, only 3% of agencies (9 of 267) reported that enforcement of policies that prevent retailers from selling tobacco products to minors is “not at all important.” Relative to other policy enforcement responsibilities, enforcement of tobacco sales to minors policies is, on average, neither unimportant or very important to reporting agencies (mean = 4.34 on a 7-point scale, with 1 = “not at all important” and 7 = “very important”). Likewise, only 3% (8 of 265) agencies reported that enforcement of policies regulating youth possession of tobacco products is “not at all important” as compared to other policies that the agency enforces, and the distribution of responses is relatively flat (mean = 4.45 on the 7-point importance scale). There were no differences in ratings of the importance of enforcement of youth access policies among agencies from urban, suburban, or rural counties.

Barriers to Enforcement. In the 2007 statewide survey, agencies rated two factors as the top barriers to enforcement of youth tobacco access policies: limited staff (mean = 5.57 on a 7-point scale with 1 = “not at all a barrier” and 7 = “a large barrier”), and insufficient budget (mean = 4.6) (see Table YA-2). Perceived lack of support from community leaders (mean = 2.36), the belief that the District or City Attorney will not prosecute (mean = 2.49), and issues around working with juveniles on decoy operations (mean = 2.70) were the three lowest-rated barriers to enforcement.

The mean of all barriers to enforcement items was calculated as a factor for use in multivariate analyses (mean = 3.37, $SD = 1.26$, $n = 260$). The mean barrier factor did not differ across agencies from urban, suburban or rural counties, nor did any of the individual barriers listed in Table YA-2.

Table YA-2**Perceived extent of barriers to enforcement of youth tobacco access policies
in enforcement agency's community**

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. No money in our budget	4.56 (2.19)	255
b. Limited staff	5.57 (1.69)	258
c. Issues around working with juveniles (e.g., safety, parental consent, agency liability involving youth)	2.70 (1.84)	251
d. Problem getting youth volunteers	3.02 (1.97)	249
e. District Attorney will not prosecute	2.49 (1.82)	240
f. Not a priority in our community	3.10 (1.69)	252
g. Lack of support from community leaders	2.36 (1.57)	247
h. Judge reluctant to assess fines	2.35 (1.61)	236
i. Other (e.g., limited time, funding)	2.93 (2.31)	15

* 1= Not at all a barrier, 7 = A large barrier

Perceived Effectiveness of Youth Access Laws. Agency respondents were asked to rate the perceived effectiveness of various enforcement policies or procedures in reducing youth access to tobacco. As shown in Table YA-3, the most highly rated policies were: suspension or revocation of a tobacco license for stores repeatedly selling tobacco to minors (mean = 6.38 on a 7-point scale with 1 = “not at all effective” to 7 = “very effective”); civil or criminal penalties for store clerks caught illegally selling tobacco to minors (mean = 5.89); civil penalties for store owners caught illegally selling tobacco to minors (mean = 5.88); criminal penalties for store owners caught illegally selling tobacco to minors (mean = 5.76); and tobacco decoy operations (mean = 5.58). Promotion of 18005ASK4ID, merchant education, and fines for minors in possession of tobacco products ranked the lowest (means of 3.97, 4.90, and 5.00, respectively). The mean of all perceived policy effectiveness items was calculated as a factor for use in multivariate analyses (mean = 5.41, SD = 1.00, n = 249). The effectiveness factor did not differ across agencies from urban, suburban, or rural counties, nor did any of the individual items listed in Table YA-3.

Table YA-3
Perceived effectiveness of enforcement policies or procedures
in reducing youth access to tobacco

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. Tobacco decoy operations (undercover tobacco purchase surveys)	5.58 (1.37)	234
b. Merchant education regarding illegal sale of tobacco products to minors	4.90 (1.52)	243
c. Tobacco merchant licensing	5.07 (1.62)	224
d. Civil penalties for store owners caught illegally selling tobacco to minors	5.88 (1.28)	241
e. Criminal penalties for store owners caught illegally selling tobacco to minors	5.76 (1.43)	241
f. Civil or criminal penalties for store clerks caught illegally selling tobacco to minors	5.89 (1.27)	246
g. Suspension or revocation of a tobacco license for stores repeatedly selling tobacco to minors	6.38 (0.97)	145
h. Fines for minors in possession of tobacco products	5.00 (1.78)	145
i. Promotion of 1-800-ASK4ID	3.97 (1.86)	202

* 1= Not at all effective, 7 = Very effective

Collaboration. As shown in Table YA-4, enforcement agencies reported in 2007 collaborating on youth access enforcement activities most frequently during the prior 12 months with educational organizations (64% of agencies ever having collaborated), local government officials (59%), and county health departments (51%). Collaboration was reported to be lowest with voluntary health organizations (32%), merchants or business organizations (40%) and tobacco prevention coalitions (42%).

The mean of all collaboration items was calculated as a factor for use in multivariate analyses (mean = 2.27, SD = 1.23, n = 265). The collaboration factor did not differ across agencies from urban, suburban, or rural counties; however, as compared to agencies from urban counties, agencies from rural counties reported higher levels of collaboration with county health departments (mean diff = 0.85 on a 7-point scale, Tukey HSD p = 0.010), and with tobacco prevention coalitions (mean diff = 0.71, Tukey HSD p = 0.028).

Table YA-4
Frequency of agency collaboration on enforcing policies
to reduce youth access to tobacco, during the last 12 months

	<i>Mean (SD)*</i>	<i>Ever **</i> <i>(% agencies)</i>	<i>Valid N</i>
a. County health department (e.g., local tobacco control programs)	2.43 (1.91)	51	260
b. Local government officials (e.g., city council, code enforcement, District Attorney)	2.38 (1.66)	59	261
c. Voluntary health organizations (e.g., American Cancer Society)	1.65 (1.22)	32	262
d. Educational organizations (e.g., local schools)	3.03 (2.06)	64	262
e. Merchant and business organizations (e.g., Chamber of Commerce)	1.84 (1.30)	40	261
f. Tobacco prevention coalitions	2.20 (1.83)	42	265
g. State law enforcement agencies	2.23 (1.66)	48	258
h. Other (e.g., merchants, Probation Dept.)	2.53 (2.24)	43	30

* 1= Never, 7 = Very Often

** Ever is any valid response other than "Never"

Funding. Agencies were asked to indicate all sources of funding for enforcement activities during calendar year 2006. Approximately 11% of the 271 agencies responding to this question received some funding. Funding was received from local health departments (6%), state law enforcement (4%), CDHS/TCS (4%), or from the local tobacco retail licensing program (3%).

Multivariate Analyses. Table YA-5 presents findings from logistic regression analyses using data from our 2004 and 2007 statewide YA surveys. In 2007, three of seven variables measured were found to be statistically independent predictors of whether decoy operations were conducted: perceptions of greater collaboration with other groups on enforcing youth access policies ($p < 0.01$), lower perceived barriers to enforcement ($p < 0.01$), and receipt of any funding for local enforcement ($p < 0.01$). This model explained 47% of the variance in whether decoy operations were conducted in the previous 12 months. This is an improvement over the 38% explained by the 2004 model, which also included an enforcement training variable that was excluded from the 2007 survey due to an end to the PC§308(a) statewide training program.

Table YA-5
**Associations between independent enforcement variables and
whether decoy operations were conducted in the previous 12 months**

<i>Independent Variables</i>	<i>Survey Year</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Importance of problem	2004	1.61	0.98 – 2.62	0.06
	2007	1.46	0.90 – 2.37	0.13
Relative importance of enforcement	2004	0.97	0.76 – 1.24	0.80
	2007	1.04	0.80 – 1.37	0.79
Barriers to enforcement	2004	0.81	0.58 – 1.12	0.21
	2007	0.51	0.35 – 0.74	< 0.01
Collaboration	2004	1.71	1.30 – 2.29	< 0.01
	2007	2.08	1.51 – 2.88	< 0.01
Effectiveness of youth access laws	2004	1.38	0.94 – 2.03	0.10
	2007	0.74	0.51 – 1.09	0.13
Funding for local enforcement	2004	4.66	1.45 – 14.70	< 0.01
	2007	15.52	4.39 – 54.90	< 0.01
Training for local enforcement	2004	2.57	1.23 – 5.39	< 0.05
	2007	---	---	---

NOTE: 2004 and 2007 analyses include non-missing data from 227 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: p = 0.26 (2004); p = 0.53 (2007).

Source: Statewide Youth Access Enforcement Survey, 2004, 2007.

Plans for Youth Access Enforcement

In 2007, agencies were asked to rate their agreement with the statement: “In the next six months, my agency will be actively enforcing PC§308(a).” Statewide, agencies somewhat agreed with this statement (mean = 3.58 on a 7-point scale where 1 = “strongly disagree” and 7 = “strongly agree”), and there were no differences among agencies from urban, suburban, or rural counties.

Enforcement in Jurisdictions with Strong Retail Tobacco Ordinances

In recent years, TCS has encouraged the passage of strong local licensing ordinances in an effort to drive down rates of illegal sales to minors. As defined by the Center for Tobacco Policy and Organizing (<http://www.californialung.org/thecenter/>), a strong local tobacco licensing includes: all retailers that sell tobacco products must obtain a license and renew it annually; a fee to sufficiently fund an effective program including administration and enforcement; an enforcement plan; coordination of tobacco regulations so that a violation of any existing local, state or federal

tobacco regulation violates the license; and a financial deterrent through fines and penalties including the suspension and revocation of the license.

In an effort to evaluate the impact of strong local licensing ordinances on enforcement, we identified ten agencies situated in jurisdictions with strong ordinances as defined above that were in effect as of January 1, 2006. We chose this date because our survey questions referenced specific activities within the previous 12 months. Our 2007 YA enforcement survey revealed that agencies in jurisdictions with strong ordinances reported conducting significantly more decoy operations over the prior 12 months (mean = 80%) than did agencies in jurisdictions without strong ordinances (mean = 24%) ($p < 0.001$). Additionally, agencies in jurisdictions with strong ordinances also perceived fewer barriers to enforcement than did agencies in jurisdictions without strong ordinances (mean = 2.7 and 3.4, respectively, $p = 0.09$), and they reported greater collaboration with other community groups (mean = 3.0 and 2.2, respectively, $p = 0.07$). Although the latter two differences were not statistically significant, they are promising particularly in light of the extreme imbalance in group size (10 agencies in the strong ordinance group vs. 261 agencies with no or weak ordinances).

Results: Enforcement of Secondhand Smoke Laws

In this section we present our findings from the 2007 statewide survey of agencies charged with enforcement of two selected California laws protecting people from exposure to secondhand smoke (SHS): Labor Code (LC) §6404.5, which requires that smoking be prohibited in virtually all enclosed places of employment; and Government Code (GC) §7596-7598, which prohibits smoking within 20 feet of government building entrances, exits, and operable windows.

California SHS laws are enforced by a variety of local agencies including county health departments, police and sheriff departments, fire departments, code enforcement officers, building officials, and others. Each jurisdiction (municipality or county) typically designates one agency to be responsible for enforcement; however, in some jurisdictions more than one agency has responsibility. Data are reported in this section only for one primary agency per jurisdiction, and only for those agencies responsible for enforcement of LC§6404.5 or GC§7596-7598, as appropriate. We also compare 2007 SHS law enforcement results with data from our statewide survey conducted in 2004, and report on trends among the subset of enforcement agencies surveyed in 2007 that were also in the 18 focal counties of the 1996-2000 IE.

Enforcement of LC§6404.5 — Smoke-free Workplaces (Excluding Bars)

Current Enforcement Activities. Table SHS-1 shows that half of enforcement agencies conducted compliance checks (50% of responding agencies statewide) and responded to inquiries and complaints (49% and 51% respectively) to enforce LC§6404.5 provisions governing restaurants and other indoor workplaces during one year prior to the 2007 survey. Nearly half (44%) also educated owners and others about LC§6404.5. Relatively few agencies issued fines (9%) or citations (11%) in response to violations detected. Almost two-thirds of agencies statewide (61%) reported conducting at least one SHS enforcement activity during the year prior to survey completion, which did not differ significantly among agencies located in LLA-designated urban (62%), suburban (55%), or rural (56%) counties ($p = 0.49$).

Figure SHS-1 displays rates for specific SHS enforcement activities in workplaces (excluding bars) for agencies located in urban, suburban, and rural counties. As compared to agencies in urban and suburban counties, significantly fewer rural-county agencies reported that they had issued any warnings for violations of LC§6404.5 ($p = 0.03$). There were no differences in the percent of agencies conducting any other type of SHS enforcement in workplaces across urban, suburban, or rural counties.

Among the 145 agencies stating that they are responsible for issuing LC§6404.5 citations at non-bar workplaces, only 5.5% reported having issued at least one citation in the previous year. The average number of citations issued by these 8 agencies was 7.1 ($SD = 8.66$), with no significant differences among urban, suburban, or rural agencies. Only about half of all citations issued, however, were prosecuted (mean = 4.17, $SD = 4.22$).

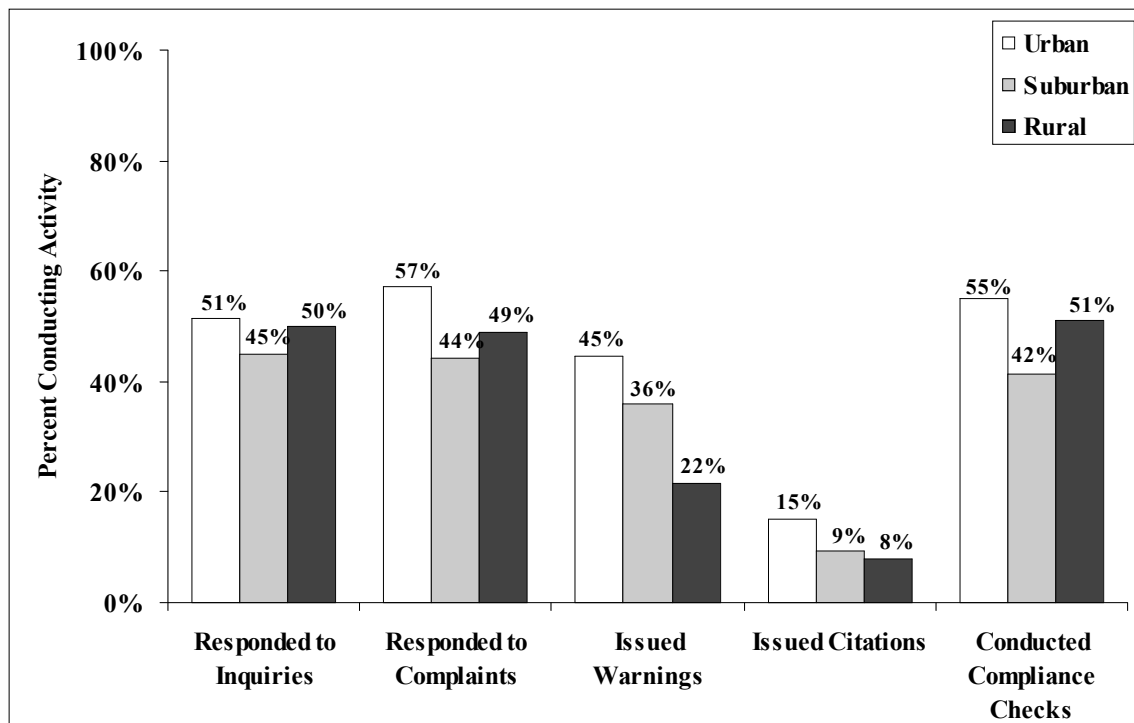
Table SHS-1
Frequency of enforcement activities related to LC§6404.5
conducted by agency, during the last year

	<i>Mean (SD)*</i>	<i>Ever **</i> (% agencies)	<i>Valid N</i>
a. Responded to inquiries	1.97 (1.47)	49	169
b. Responded to complaints	2.01 (1.51)	51	173
c. Issued warnings	1.69 (1.32)	35	171
d. Issued citations	1.27 (0.98)	11	171
e. Issued fines	1.22 (0.91)	9	162
f. Conducted compliance checks	2.40 (1.93)	50	175
g. Educated owners about LC §6404.5	2.14 (1.72)	44	170
h. Educated others about LC §6404.5	2.01 (1.66)	39	168
i. Other (e.g., training officers)	1.25 (1.01)	10	40

* 1= Never, 2 = Rarely, 7 = Very Often

** Ever is any valid response other than “Never”

Figure SHS-1
Secondhand Smoke Enforcement Activities in
Indoor Workplaces for Agencies in Urban, Suburban, and Rural Counties

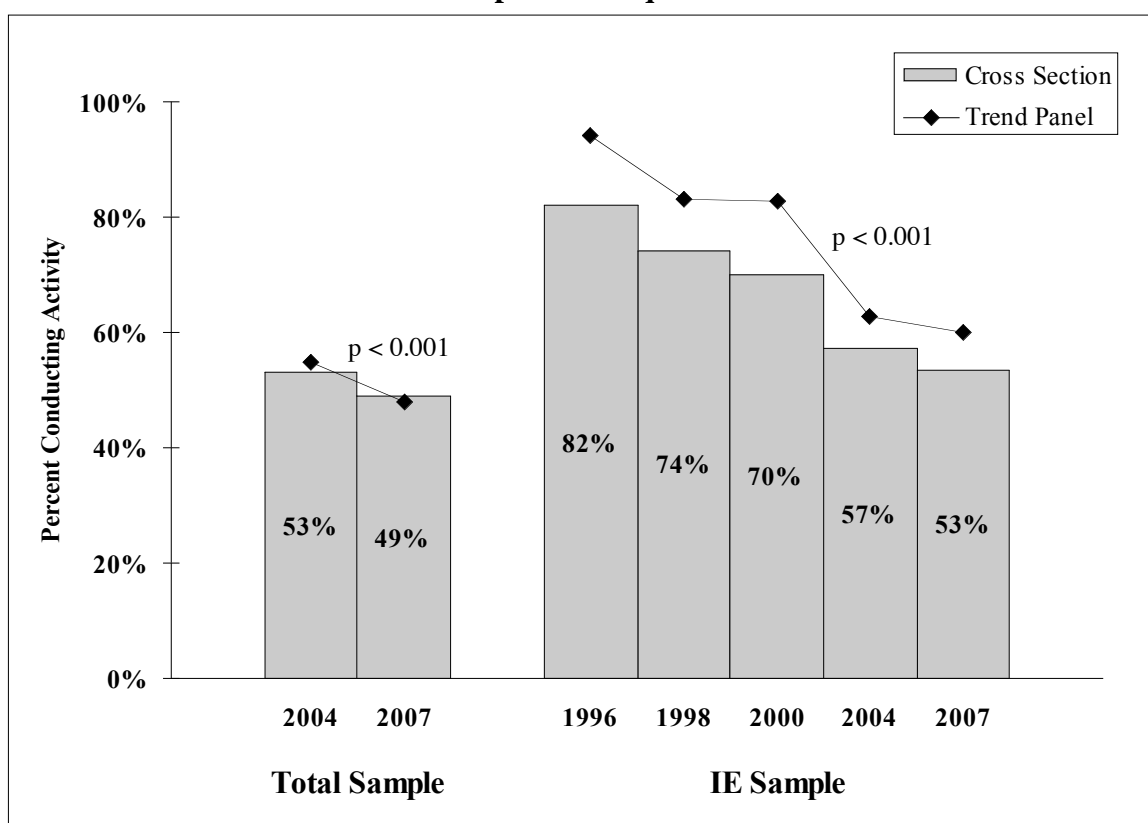


Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the year prior to the survey. Source: SHS Enforcement Survey 2007.

Trends in Enforcement. Figure SHS-2a presents data on the percent of surveyed agencies that reported they had **responded to inquiries** regarding enforcement of workplace SHS laws activities in the 2004 and 2007 Statewide SHS Surveys, and among the sub-sample of agencies in the three IE survey waves (1996, 1998, and 2000) and 2004 and 2007 surveys. On the left side of the figure, we report data for all agencies responding to this item in the 2004 and 2007 statewide SHS surveys, both as serial cross-sections with all valid responses in either wave (bars), and for the panel of agencies that reported valid responses in both 2004 and 2007 (trend line). On the right side of the figure, we report 1996-2007 data only for those agencies from the 18 focal IE counties, also as serial cross-sections and as a panel.

As shown in Figure SHS-2a, there is a significant decline in the percent of agencies reporting that they had responded to workplace SHS inquiries among the agencies in the statewide sample that completed both the 2004 and 2007 surveys (Chi-squared = 23.73, $p < 0.001$, $n = 108$). Similarly, we see a significant difference in the percentage of agencies responding to workplace SHS inquiries among the sub-sample of IE-county agencies that had responded to this item in all five waves of the SHS survey (Cochran's $Q = 20.55$, $p < 0.001$, $n = 35$).

Figure SHS-2a
Secondhand Smoke Enforcement Agency Activities in
Restaurants and Indoor Workplaces (Excluding Bars):
Respond to Inquiries

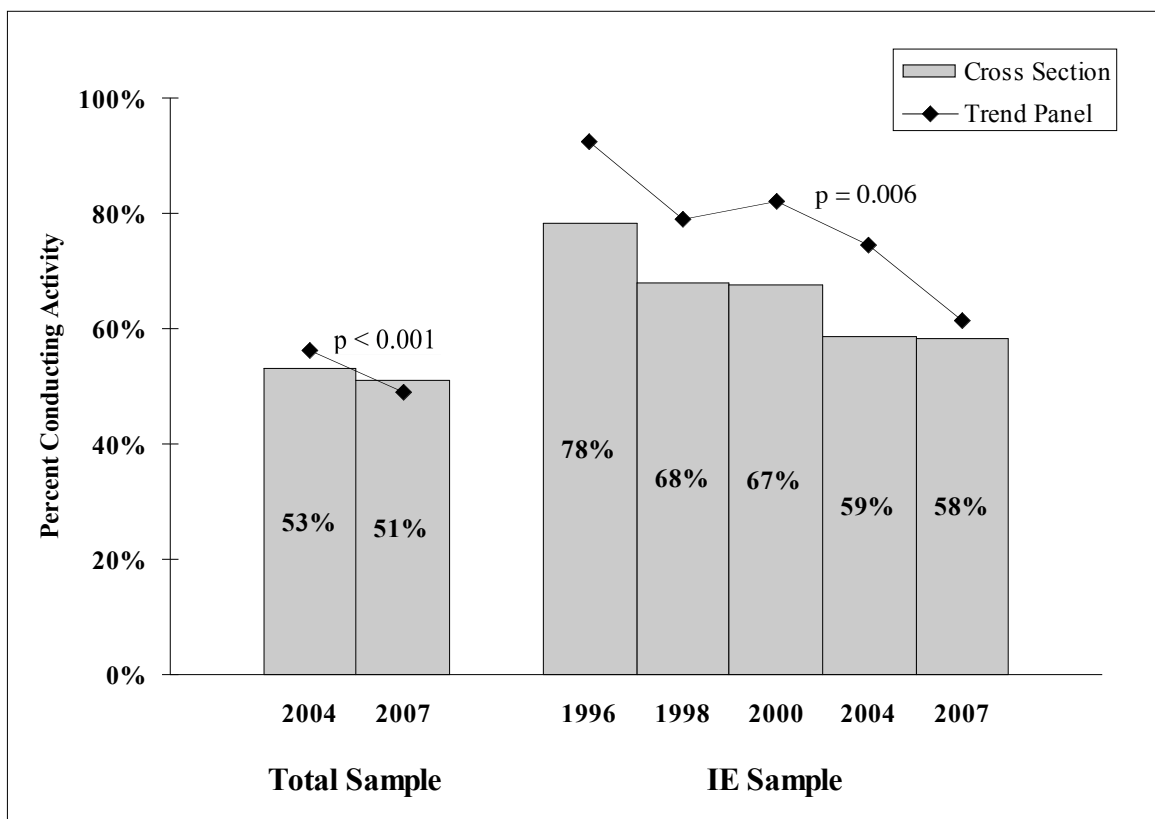


Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the six months prior to the survey (1996-2000) or one year prior to the survey (2004-2007).
Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figures SHS-2b through SHS-2e present cross-sectional and panel data for the percent of responding agencies involved in other workplace SHS enforcement activities: respond to complaints (2b); issue warnings (2c); issue citations (2d); and conduct compliance checks (2e). Significant declines are seen statewide from 2004 to 2007 in the percent of agencies reporting involvement in all types of enforcement actions: respond to complaints (Chi-squared = 26.22, $p < 0.001$, $n = 114$); issue warnings (Chi-squared = 7.62, $p = 0.006$, $n = 112$); issue citations (Chi-squared = 18.44, $p < 0.001$, $n = 105$); and conduct compliance checks (Chi-squared = 25.11, $p < 0.001$, $n = 113$).

Similarly, the IE panel also shows some differences in the percent of agencies reporting workplace SHS enforcement activity across the five waves: respond to complaints (Cochran's $Q = 14.57$, $p = 0.006$, $n = 39$); issue warnings (Cochran's $Q = 16.36$, $p = 0.003$, $n = 36$); issue citations (Cochran's $Q = 3.55$, $p = 0.471$, $n = 37$); and conduct compliance checks (Cochran's $Q = 3.79$, $p = 0.436$, $n = 36$).

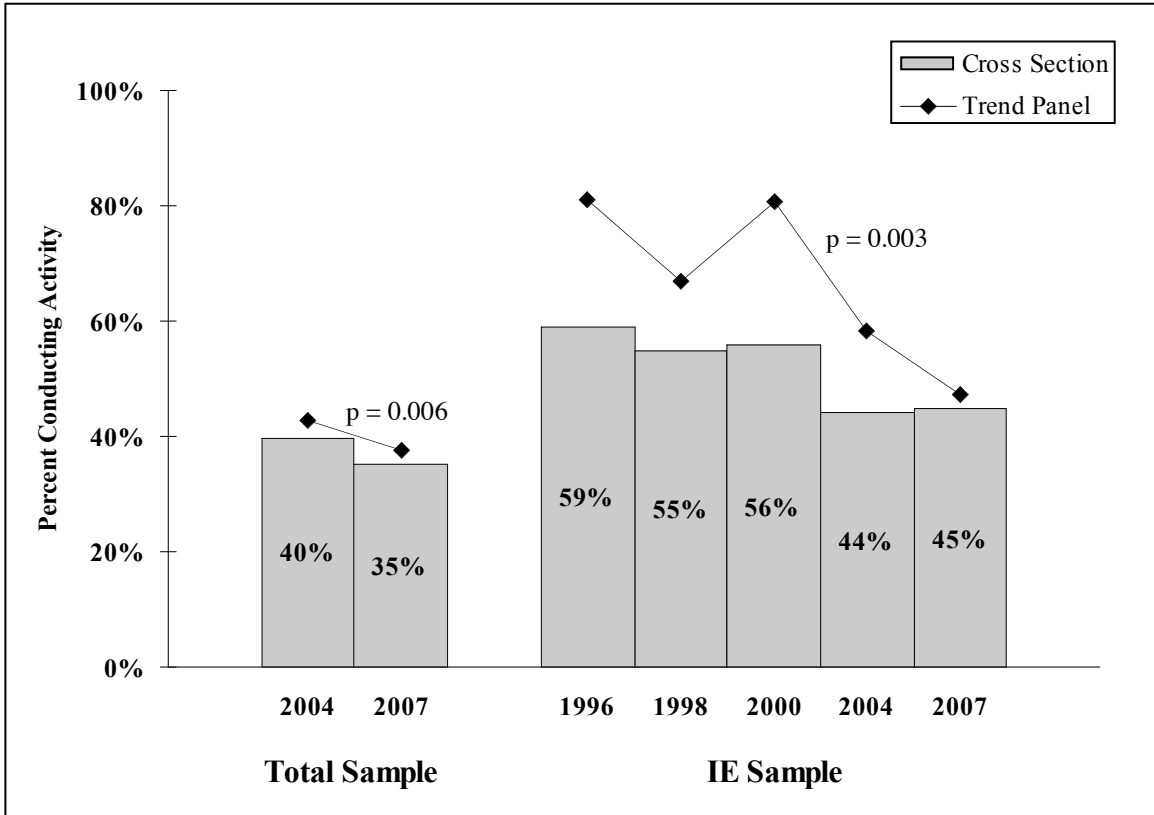
Figure SHS-2b
Secondhand Smoke Enforcement Agency Activities in
Restaurants and Indoor Workplaces (Excluding Bars):
Respond to Complaints



Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the six months prior to the survey (1996-2000) or one year prior to the survey (2004-2007).

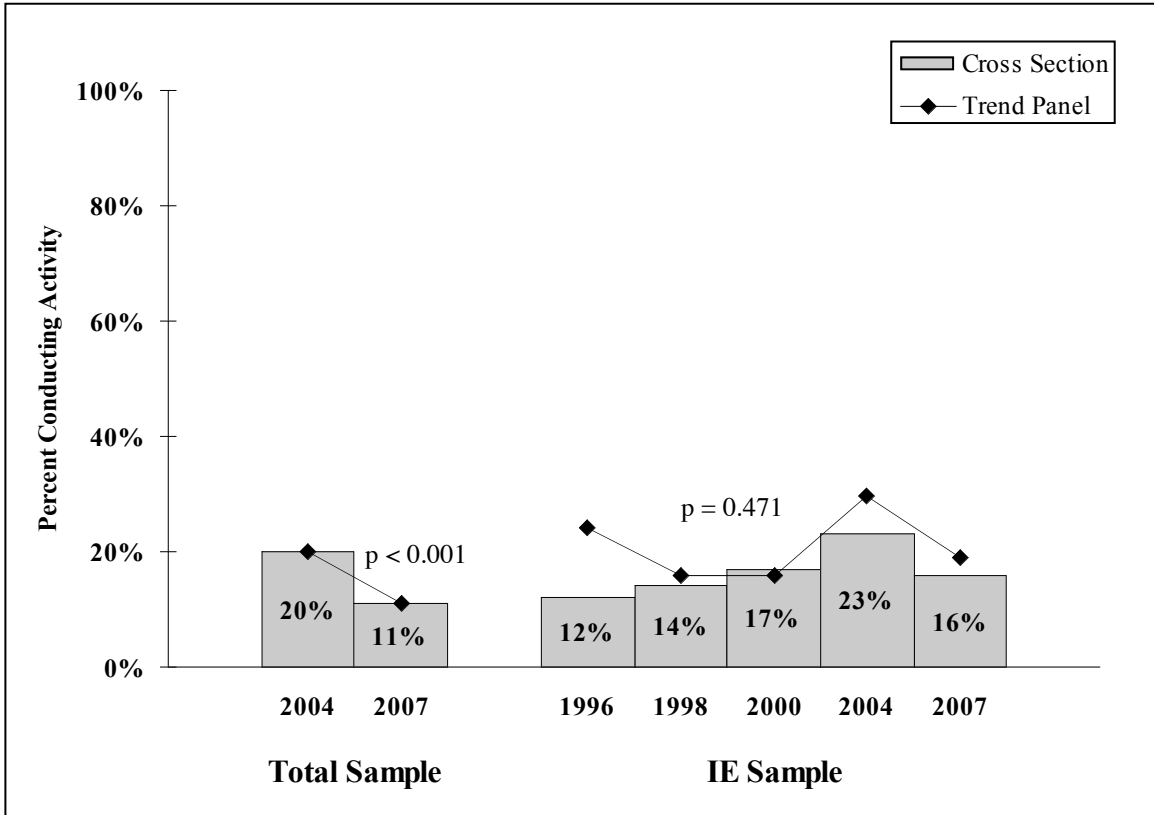
Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-2c
Secondhand Smoke Enforcement Agency Activities in
Restaurants and Indoor Workplaces (Excluding Bars):
Issue Warnings



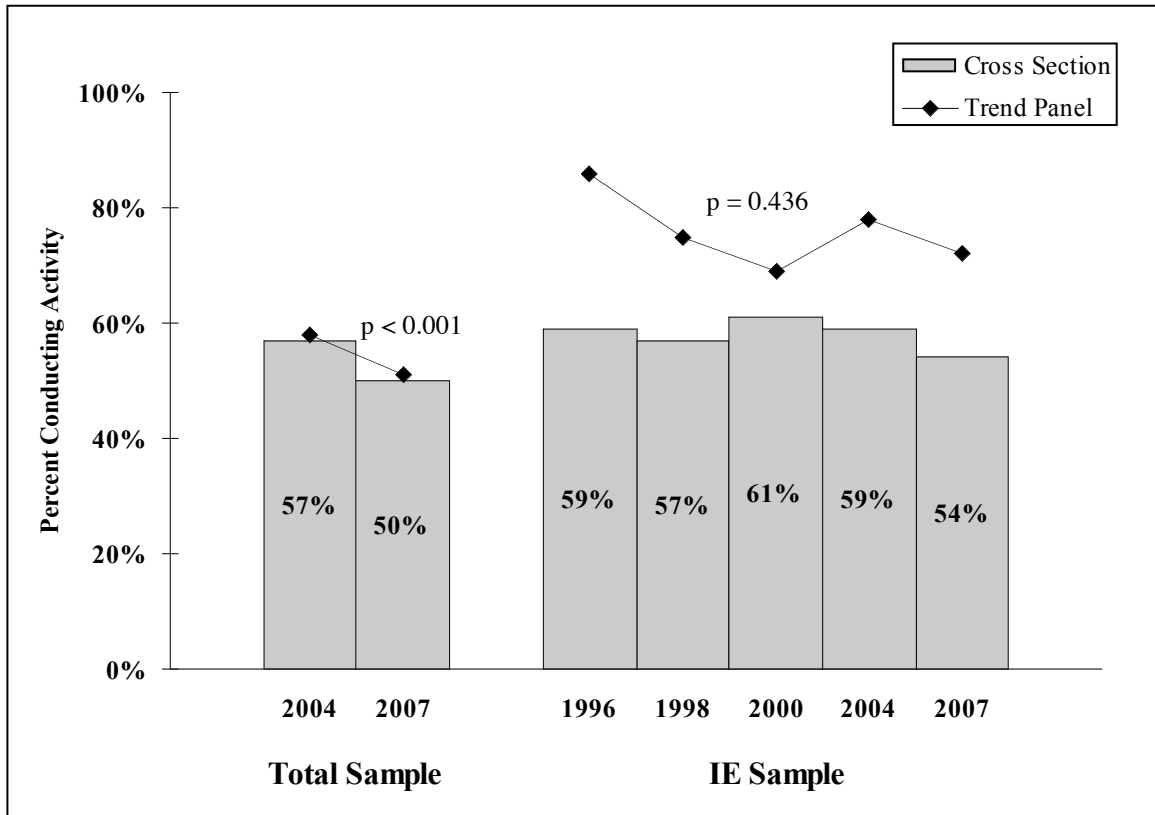
Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the six months prior to the survey (1996-2000) or one year prior to the survey (2004-2007).
Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-2d
Secondhand Smoke Enforcement Agency Activities in
Restaurants and Indoor Workplaces (Excluding Bars):
Issue Citations



Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the six months prior to the survey (1996-2000) or one year prior to the survey (2004-2007).
Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-2e
Secondhand Smoke Enforcement Agency Activities in
Restaurants and Indoor Workplaces (Excluding Bars):
Conduct Compliance Checks



Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the six months prior to the survey (1996-2000) or one year prior to the survey (2004-2007).
Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

It should be noted that the relatively large differences in trend and cross-sectional values in the IE sample on several of enforcement variables suggests that agencies that were consistent respondents across the five survey waves were more actively engaged in certain SHS enforcement actions than were those agencies that did not consistently respond to all waves of the survey. Thus, the IE panel data should not be used to estimate statewide levels of enforcement, only to demonstrate a continuing downward trend in SHS enforcement actions, even among those agencies most engaged in SHS enforcement.

Predictors of Enforcement. We looked at various factors that have in the past been shown to be predictors of local enforcement activities related to LC§6404.5, including: relative seriousness of SHS as a community problem; relative importance of enforcement of SHS laws; perceived compliance with SHS laws; beliefs about the barriers to conducting enforcement operations of SHS laws; beliefs about the barriers to achieving compliance with LC§6404.5; and the extent of enforcement agency collaboration with other groups on enforcing SHS laws.

Seriousness of SHS problem. Compared to other community problems, most agencies believe that it is “not at all serious” (25%) or only “somewhat serious” (35%) that non-smokers breathe other people’s smoke when in indoor public areas such as restaurants and workplaces. Only 14% of the 166 agencies providing valid responses to this question rated the SHS problem as “very serious” compared to other problems, down from 20% in 2004. As seen in the 2004 survey, there were no differences in ratings of the relative seriousness of SHS as a community problem among urban, suburban, or rural agencies.

Importance of enforcement. Compared to other laws enforced by respondent agencies, enforcement of laws that prohibit smoking in indoor public areas is only moderately important (mean = 4.02 on a 7-point scale where 1 = “not at all important” and 7 = “very important”, SD = 2.03). This variable did not differ across agencies from urban, suburban, or rural counties, but the statewide mean importance rating was slightly lower than reported in 2004 survey (mean = 4.42).

Perceived compliance. Most enforcement agencies (92%) believe that workplaces are compliant with SHS laws (mean = 6.23 on a 7-point scale, SD = 1.02). This variable did not differ significantly across agencies from urban, suburban, or rural counties, and these statewide results are also nearly identical to that found in the 2004 SHS enforcement survey.

Barriers to enforcement. Statewide, limited staff ranked as the top barrier to agencies conducting enforcement activities related to SHS laws (mean = 4.55 on a 7-point scale with 1 = “not at all a barrier” and 7 = “a large barrier”) (see Table SHS-2). Additionally, insufficient budget (mean = 3.72), low community priority (mean = 3.05) and other issues (e.g., lack of training, no complaints) were moderately rated barriers to enforcement. The mean of all barriers to enforcement items was calculated as a factor for use in multivariate analyses (mean = 3.49, SD = 1.75). There were no significant differences in perceived barriers to enforcement among rural, suburban or urban agencies.

Table SHS-2
**Perceived extent of barriers to enforcing
secondhand smoke/clean indoor air laws**

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. No money in our budget	3.72 (2.41)	179
b. Limited staff	4.55 (2.37)	181
c. Not a priority in our community	3.05 (2.06)	179
d. Lack of support from community leaders	2.25 (1.71)	175
e. Other (e.g., lack of training, no complaints)	3.04 (2.54)	25

* 1= Not at all a barrier, 7 = A large barrier

Barriers to compliance. All barriers to achieving compliance contained in the survey were rated very low by agencies statewide (see Table SHS-3), and none of the individual barriers differed significantly among agencies from urban, suburban, or rural counties. We calculated the mean of all barriers to compliance items for use in multivariate analyses (mean = 2.24, SD = 1.26), and this value did not differ by county type.

Table SHS-3
Perceived extent of barriers to achieving compliance
with Labor Code 6404.5

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. Insufficient enforcement operations conducted	2.86 (2.02)	175
b. Fines/penalties are insufficient deterrents	2.28 (1.69)	169
c. Exemptions, such as owner-operated bars and worksite with five or fewer employees, create an uneven playing field	2.21 (1.61)	175
d. Lack of signage posted for English-speakers	1.79 (1.28)	177
e. Lack of signage posted for Spanish-speakers	1.87 (1.35)	177
f. Lack of awareness among worksites regarding the requirements of the law	2.05 (1.51)	176
g. Lack of stories in the local media supporting and/or covering results of enforcement operations	2.36 (1.71)	174
h. Other (e.g., lack of training, no complaints)	2.14 (1.73)	22

* 1= Not at all a barrier, 7 = A large barrier

Collaboration. Most enforcement agencies statewide in 2007 reported that they have collaborated on education or enforcement of SHS laws at least once in the past year with county or state health departments (55% of agencies reporting) (see Table SHS-4). Just under half reported having collaborated at least once with other law enforcement agencies (49%), local government officials (47%), local tobacco control programs (45%), educational organizations (45%), and businesses (42%). Only about one-third of agencies reported that they had collaborated with tobacco control coalitions or voluntary health organizations during the prior year (36% each).

We calculated the mean of all collaboration items for use in multivariate analyses (mean = 2.16, SD = 1.44, n = 186). The collaboration factor did not differ across agencies from urban, suburban, or rural counties, nor did any individual collaboration item listed in Table SHS-4.

Table SHS-4
Frequency of agency collaboration on education or enforcement
of secondhand smoke/clean indoor air laws, during the last year

	<i>Mean (SD)*</i>	<i>Ever **</i> <i>(% agencies)</i>	<i>Valid N</i>
a. County or state health department	2.63 (2.05)	55	183
b. Local tobacco control programs	2.28 (1.90)	45	185
c. Local government officials (e.g., city council, board of supervisors)	2.07 (1.53)	47	186
d. Park and recreation programs	1.90 (1.48)	40	182
e. Voluntary health organizations (e.g., ACS)	1.89 (1.60)	36	183
f. Educational organizations (e.g., local schools)	2.24 (1.79)	45	183
g. Businesses (e.g., restaurant associations)	2.00 (1.57)	42	184
h. Tobacco control coalitions	2.10 (1.91)	36	183
i. Other law enforcement agencies (e.g., fire department, code enforcement, city manager)	2.28 (1.74)	49	179
j. Other (e.g., DA's office, Park Ranger)	1.40 (1.04)	17	30

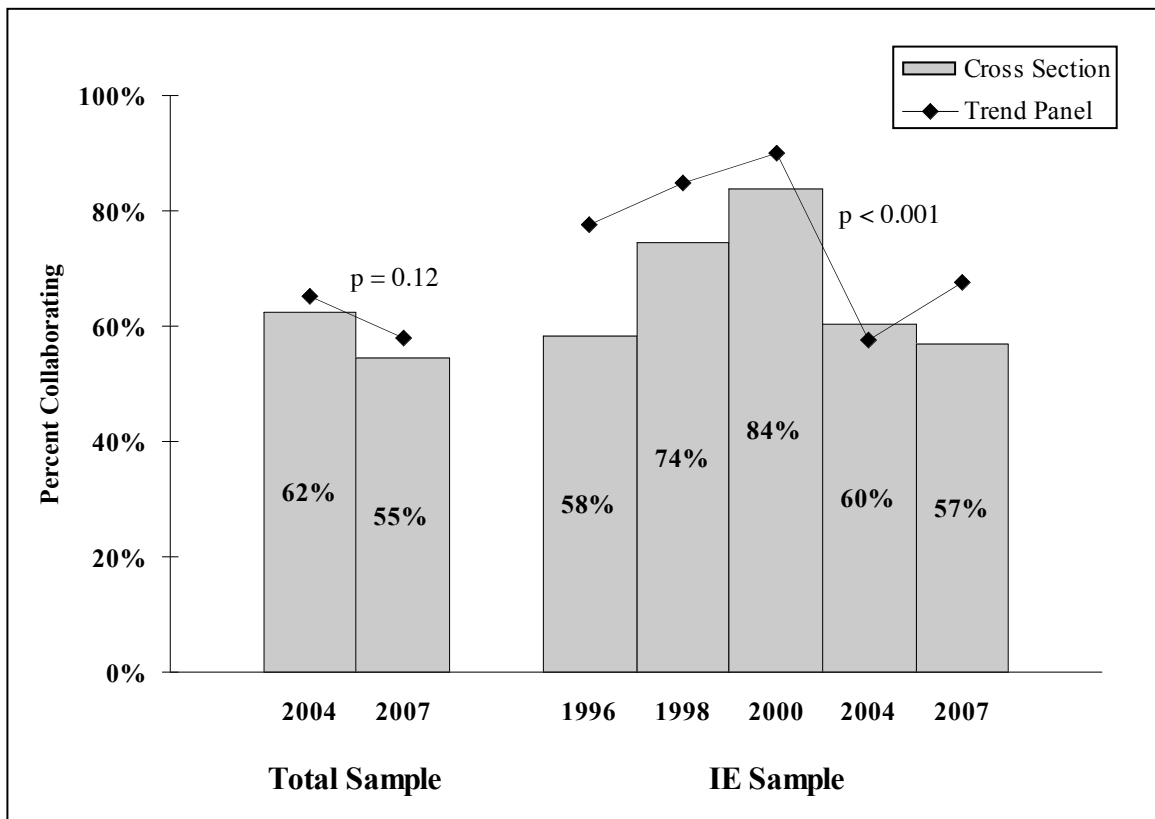
* 1 = Never, 7 = Very Often

** Ever is any valid response other than "Never"

Trends in Collaboration. Figures SHS-3a through SHS-3e present cross-sectional and panel data for the percent of responding agencies reporting that they had collaborated with various others on SHS enforcement at least once during the prior year: county health departments (3a); local government officials (3b); businesses (3c); tobacco coalitions (3d); voluntary health organizations (3e), and educational organizations (3f). Significant declines are seen statewide from 2004 to 2007 in the percent of agencies reporting collaboration with: businesses (Chi-squared = 4.43, $p = 0.035$, $n = 131$); voluntary health organizations (Chi-squared = 8.25, $p = 0.004$, $n = 130$); and educational organizations (Chi-squared = 14.34, $p < 0.001$, $n = 128$). No significant changes were seen in the percent of enforcement agencies collaborating with county health departments, local government officials, and tobacco coalitions.

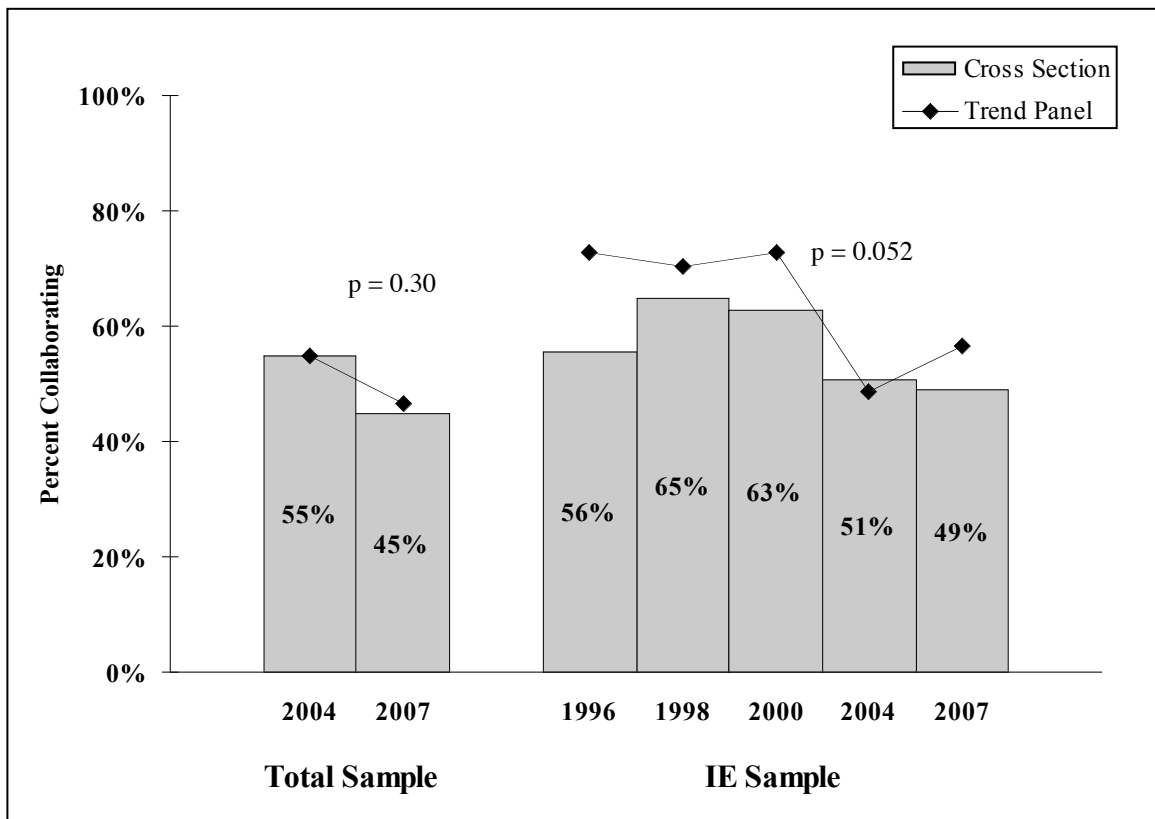
In contrast, the IE panel only showed significant differences in the percent of agencies reporting collaboration on workplace SHS enforcement with county health departments (Cochran's $Q = 20.15$, $p < 0.001$, $n = 40$); collaboration among all other agencies in the IE focal counties was not significantly different across the five survey waves.

Figure SHS-3a
Secondhand Smoke Enforcement Agency
Collaboration with Other Groups: County Health Departments



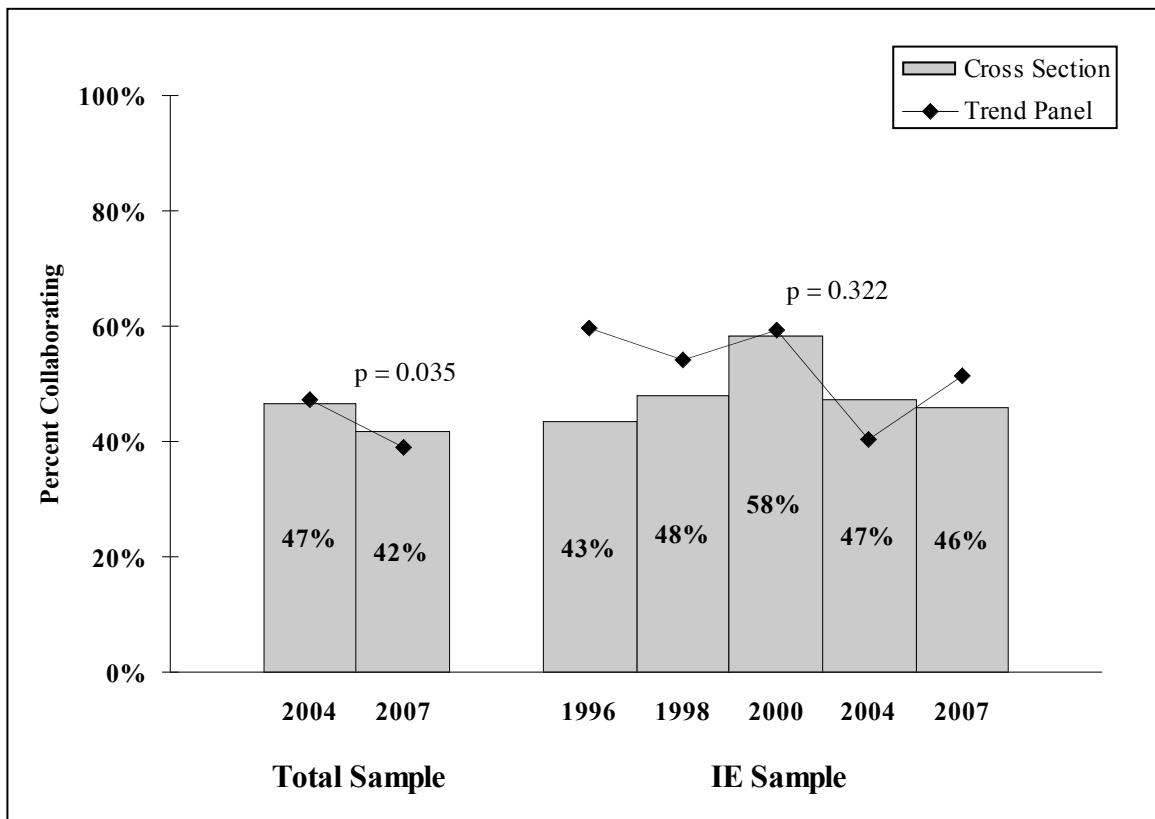
Total Sample includes data for all agencies statewide, not only those from Independent Evaluation counties.
 Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-3b
Secondhand Smoke Enforcement Agency
Collaboration with Other Groups: Local Government Officials



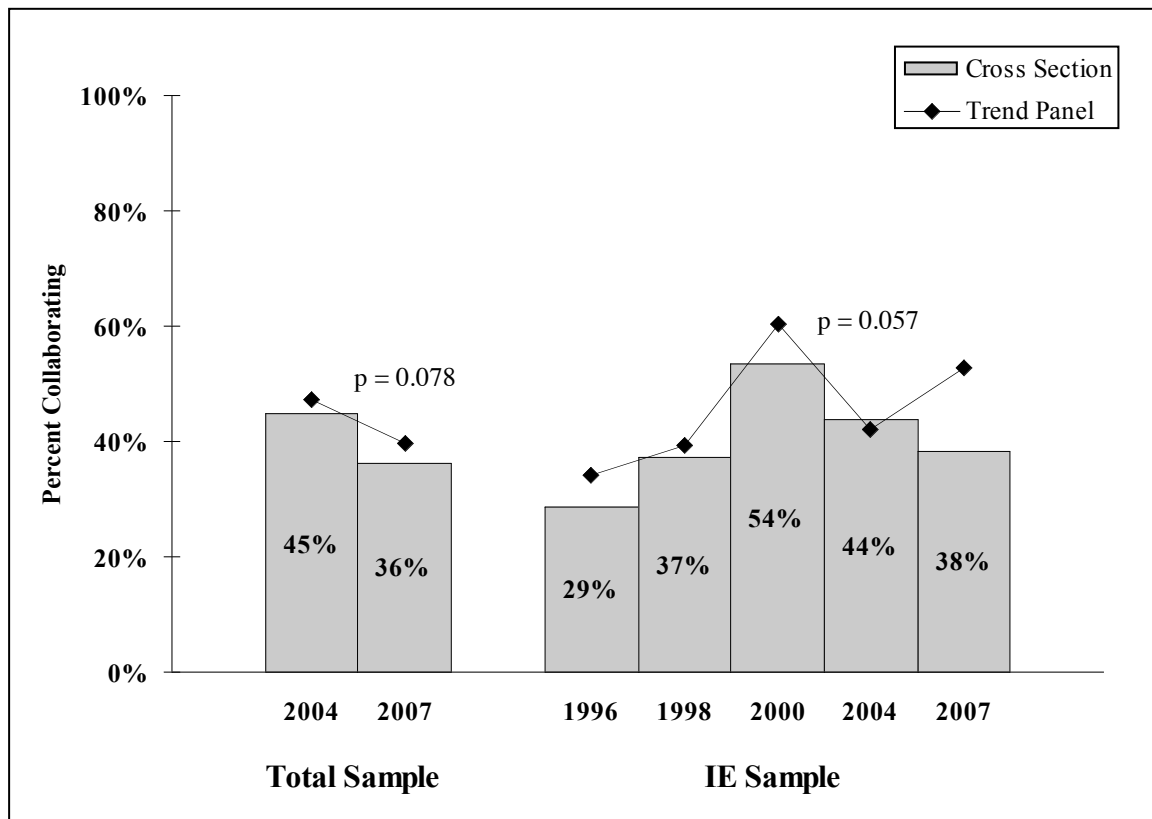
Total Sample includes data for all agencies statewide, not only those from Independent Evaluation counties.
 Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-3c
Secondhand Smoke Enforcement Agency
Collaboration with Other Groups: Businesses



Total Sample includes data for all agencies statewide, not only those from Independent Evaluation counties.
 Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-3d
Secondhand Smoke Enforcement Agency
Collaboration with Other Groups: Tobacco Coalitions*

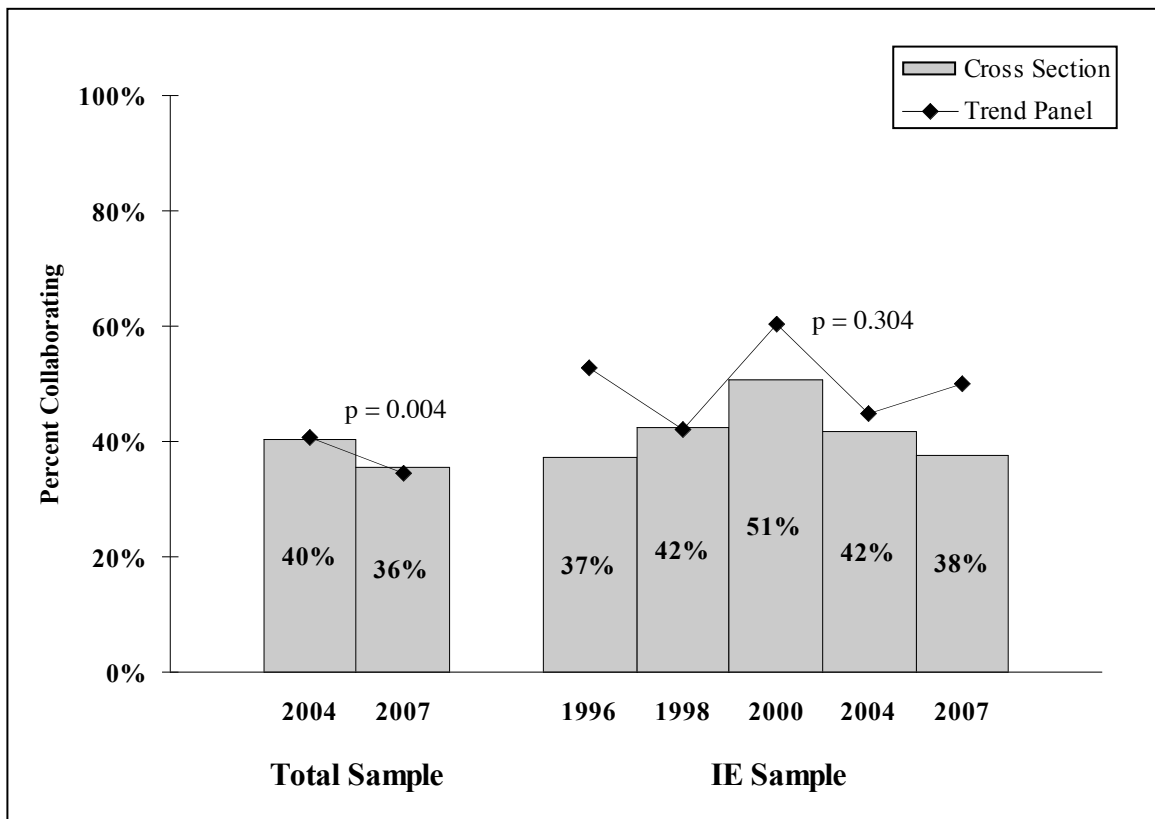


Total Sample includes data for all agencies statewide, not only those from Independent Evaluation counties.

* Collaboration was not measured for this group in 1996.

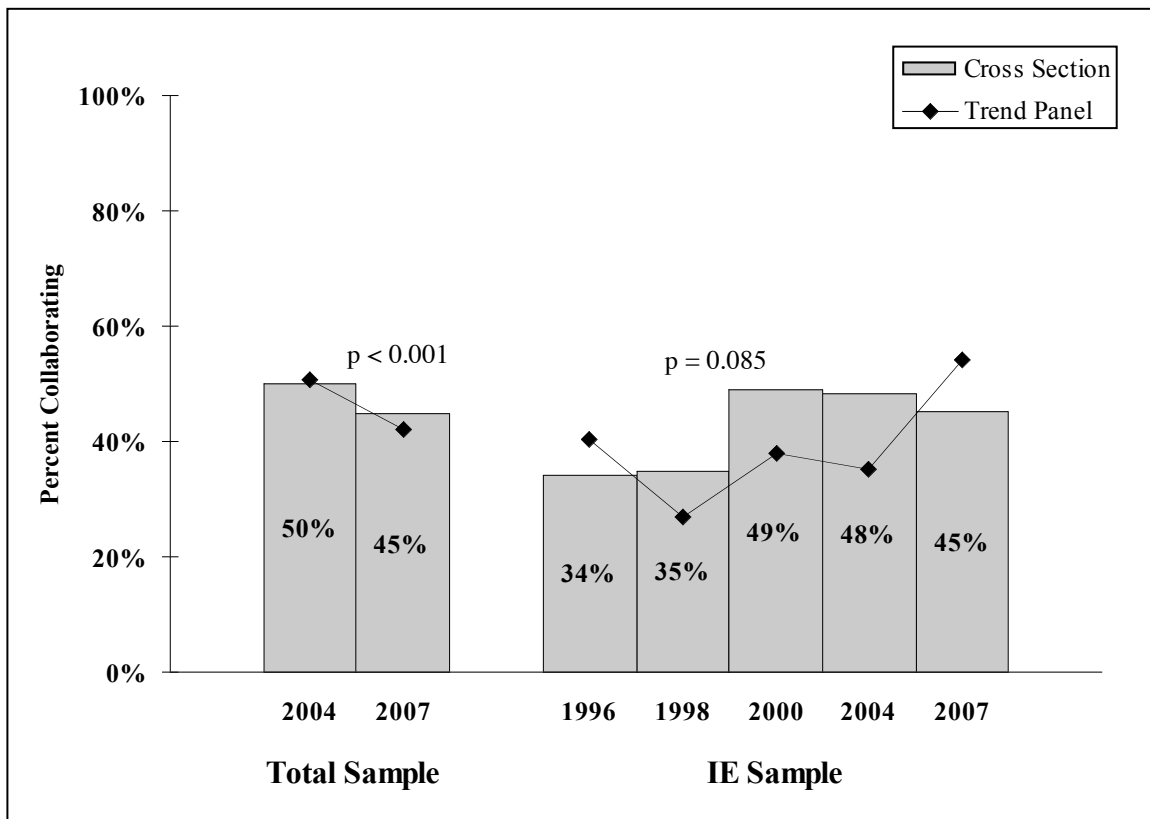
Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-3e
Secondhand Smoke Enforcement Agency
Collaboration with Other Groups: Voluntary Health Organizations



Total Sample includes data for all agencies statewide, not only those from Independent Evaluation counties.
 Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-3f
Secondhand Smoke Enforcement Agency
Collaboration with Other Groups: Educational Organizations



Total Sample includes data for all agencies statewide, not only those from Independent Evaluation counties.
Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Multivariate analyses. In our multivariate analyses we looked at the degree to which the above six variables/factors were independent predictors of three different dependent variables: whether agencies engaged in any type of workplace SHS enforcement activity in the prior year (as enumerated in Table SHS-1); whether agencies engaged in any high-level SHS enforcement activity in the prior year (any Table SHS-1 enforcement activity except educating owners or educating others); and whether agencies conducted any compliance checks during the prior year. Results of these analyses were generally comparable, so we report here only on predictors of SHS compliance check activities in workplaces, excluding bars.

Table SHS-5 presents findings from logistic regression analyses using data from 138 agencies statewide. Only one variable measured was shown to be a statistically independent predictor of whether compliance checks were conducted in the prior year: greater relative importance of enforcement of laws that prohibit smoking in indoor public areas such as restaurants and workplaces ($p = 0.023$). This model, however, explained only 11% of the variance in whether SHS compliance checks were conducted in the prior year.

Table SHS-5

Associations between independent variables and whether any SHS compliance checks were conducted in workplaces (excluding bars)

<i>Independent Variables</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Relative seriousness of SHS problem	0.98	0.64 – 1.50	0.94
Relative importance of enforcement	1.28	1.03 – 1.59	0.02
Perceived compliance	0.90	0.61 – 1.32	0.59
Barriers to enforcement	1.00	0.78 – 1.30	0.99
Barriers to compliance	1.21	0.84 – 1.75	0.30
Collaboration on enforcement	1.09	0.83 – 1.43	0.53

NOTE: Analyses include non-missing data from 138 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: $p = 0.54$.

Enforcement of LC§6404.5 — Smoke-free Bar Provision

Current Enforcement Activities. Table SHS-6 shows that about half or more enforcement agencies conducted compliance checks (69% of responding agencies statewide), educated bar owners (55%), responded to complaints (53%), responded to inquiries (51%), and educated others about the law (49%). Many agencies issued warnings (42%), but few agencies issued citations (23%) or fines (14%) in response to violations detected. Most agencies statewide reported conducting at least one bar SHS enforcement activity during the previous six months (70%), which did not differ significantly among agencies located in urban (76%), suburban (60%), or rural (71%) counties ($p = 0.12$).

Statewide, agencies reported a higher level of any enforcement activities for the smoke-free bar provision of LC§6404.5 (mean = 2.13 or a 7-point scale) than for the workplace (non-bar) provision of the law (mean = 1.87) (paired T-test = 4.80, $df = 160$, $p < 0.001$). Also, a significantly higher percentage of agencies reported issuing citations for violations of the smoke-free bar provision (21%) than for the workplace provision of the law (11%) ($p = 0.001$).

Table SHS-6
Frequency of enforcement activities related
to the smoking ban in bars during the prior six months

	<i>Mean (SD)*</i>	<i>Ever **</i> <i>(% agencies)</i>	<i>Valid N</i>
a. Responded to inquiries	2.16 (1.67)	51	160
b. Responded to complaints	2.19 (1.68)	53	163
c. Issued warnings	1.95 (1.57)	42	155
d. Issued citations	1.53 (1.21)	23	160
e. Issued fines	1.33 (1.03)	14	144
f. Conducted compliance checks	3.17 (2.09)	69	166
g. Educated bar owners about Labor Code 6404.5	2.48 (1.92)	55	160
h. Educated others about Labor Code 6404.5	2.25 (1.81)	49	152
i. Other (e.g., no complaints)	1.64 (1.79)	14	22

* 1 = Never, 2 = Rarely, 7 = Very Often

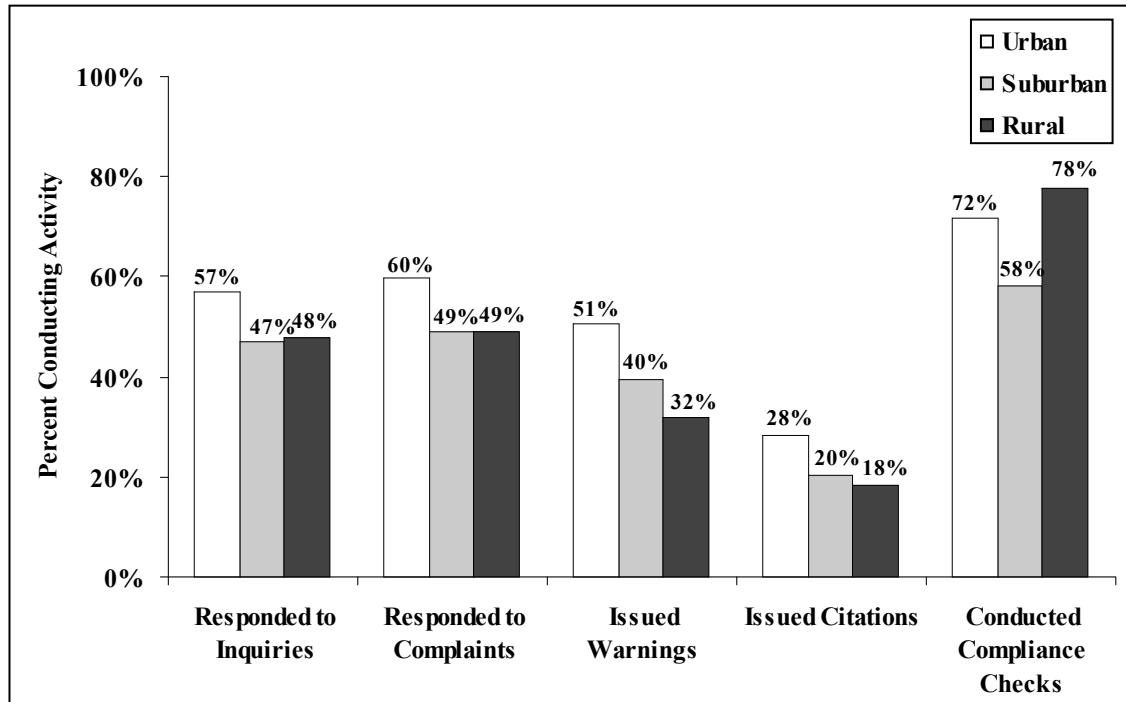
** Ever is any valid response other than "Never"

Stand-alone and in-restaurant bars were reported to be in the jurisdiction of 184 enforcement agencies that responded to the 2007 survey. Agencies in LLA-designated urban counties reported a significantly higher concentration of bars than did agencies in suburban or rural counties (Chi-squared = 31.47, $p < 0.001$). Figure SHS-4 displays rates for specific SHS enforcement activity in bars for agencies located in urban, suburban, and rural counties. Despite apparent difference, enforcement activity rates were not significantly different among urban, suburban, or rural agencies.

Among the 146 agencies stating that they are responsible for issuing LC§6404.5 smoke-free bar citations, only 8% reported having issued at least one citation for a **restaurant/bar** violation in the previous six months. The average number of citations issued by these 11 agencies was 4.6 (SD = 3.4), with most prosecuted (mean = 3.9, SD = 3.8). There were no significant differences among urban, suburban, or rural agencies on reported restaurant/bar citations.

Only 10% of agencies reported that they issued any LC§6404.5 smoke-free bar citations for violations in **stand-alone bars** during the previous six months. The average number of citations issued by these 14 agencies was 4.64 (SD = 4.2), with no significant differences among urban, suburban, or rural agencies. Again, most stand-alone bar citations issued were prosecuted (mean = 3.4, SD = 3.5).

Figure SHS-4
Secondhand Smoke Enforcement Activities in Bars
for Agencies in Urban, Suburban, and Rural Counties



Note: Percentages reflect the number of agencies that reported doing at least one enforcement activity in the six months prior to the survey. Source: SHS Enforcement Survey 2007.

Among all agencies reporting that they issued any citations for violation of the LC§6404.5 smoke-free bar provision, a mean of 7% of citations were issued to patrons and a mean of 3% were issued to bar owners or employees. There was no statistically significant difference in the estimated percentage of citations issued to patrons or bar owners/employees across agencies in urban, suburban, or rural counties.

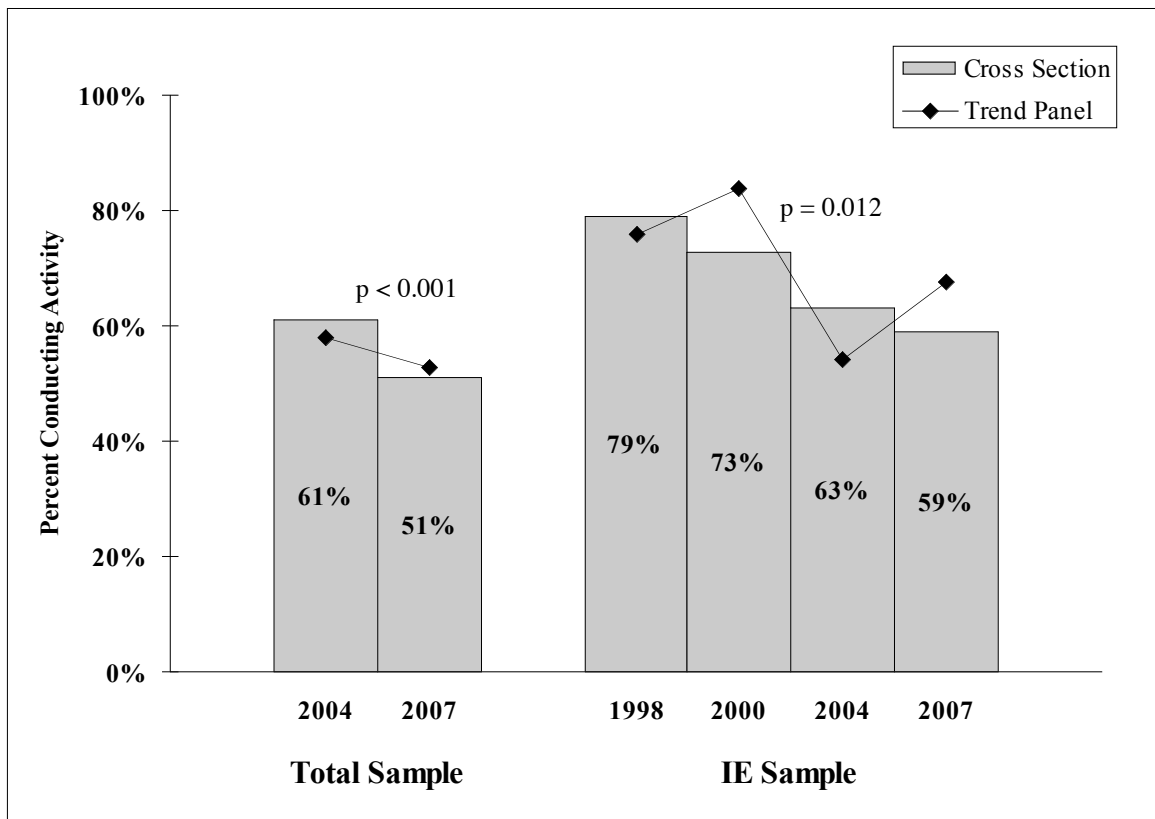
Among all agencies reporting that they issued any citations for violation of the LC§6404.5 smoke-free bar provision, only 3% reported having issued at least one citation for a **hookah bar or lounge** violation in the previous six months. The average number of citations issued by these 5 agencies was 5.6 (SD = 3.4), and three of these agencies prosecuted all 8 cited hookah bars.

Trends in Enforcement. Figures SHS-5a through SHS-5e present cross-sectional and panel data on specific smoke-free bar enforcement activities reported by respondents to the 2004 and 2007 statewide SHS surveys and for the two IE surveys (1998 and 2000) in which these data were collected: respond to inquiries (5a); respond to complaints (5b); issue warnings (5c); issue citations (5d); and conduct compliance checks (5e). Significant declines are seen statewide from 2004 to 2007 in the percent of agencies reporting that they had: responded to inquiries (Chi-squared = 17.50, $p < 0.001$, $n = 95$); responded to complaints (Chi-squared = 22.48, $p < 0.001$, $n = 101$); issued warnings (Chi-squared = 16.15, $p < 0.001$, $n = 94$); issued citations (Chi-squared

= 20.96, $p < 0.001$, $n = 92$); and conducted compliance checks (Chi-squared = 18.18, $p < 0.001$, $n = 105$).

In contrast, the IE panel only showed significant differences across the 1998-2007 surveys in the percent of agencies reporting that they had responded to inquiries (Cochran's $Q = 11.00$ $p = 0.012$, $n = 37$).

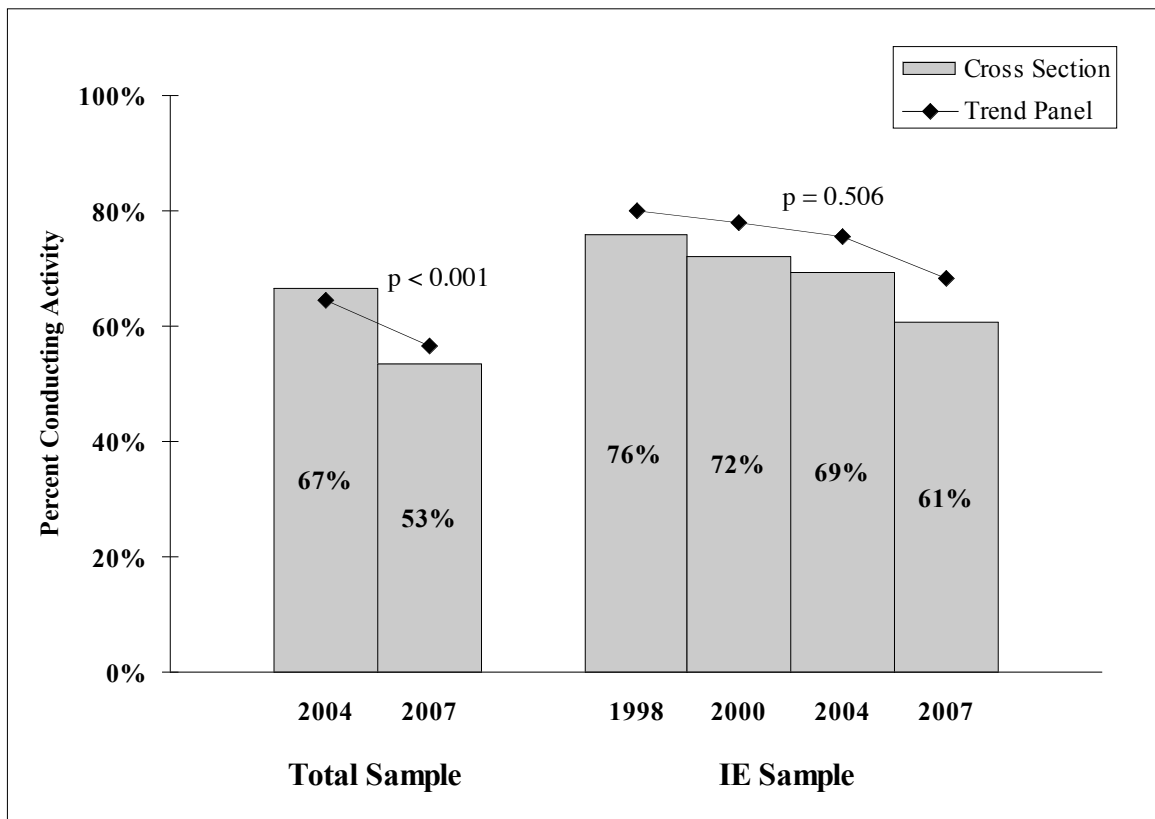
Figure SHS-5a
Secondhand Smoke Enforcement Agency Activities in Bars:
Respond to Inquiries



Note: Percentages reflect the number of agencies that reported doing at least one instance of enforcement in the six months prior to the survey.

Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

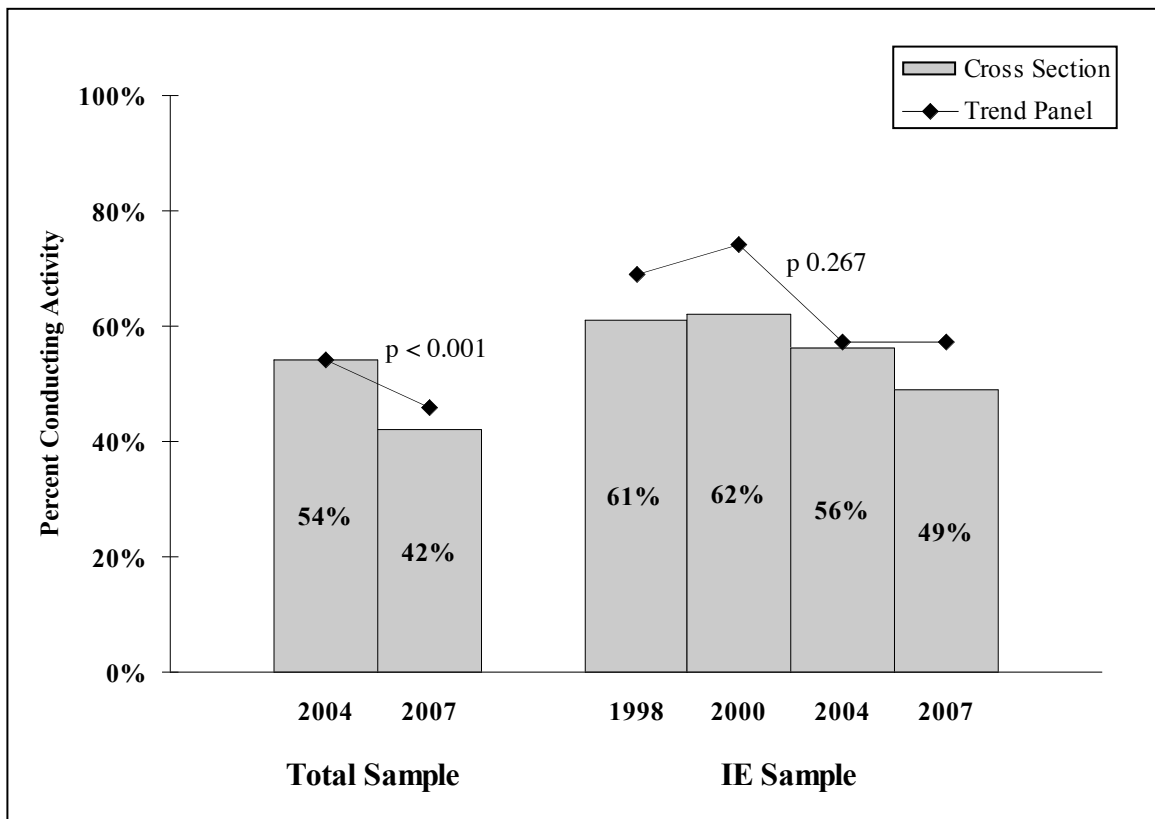
Figure SHS-5b
Secondhand Smoke Enforcement Agency Activities in Bars:
Respond to Complaints



Note: Percentages reflect the number of agencies that reported doing at least one instance of enforcement in the six months prior to the survey.

Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

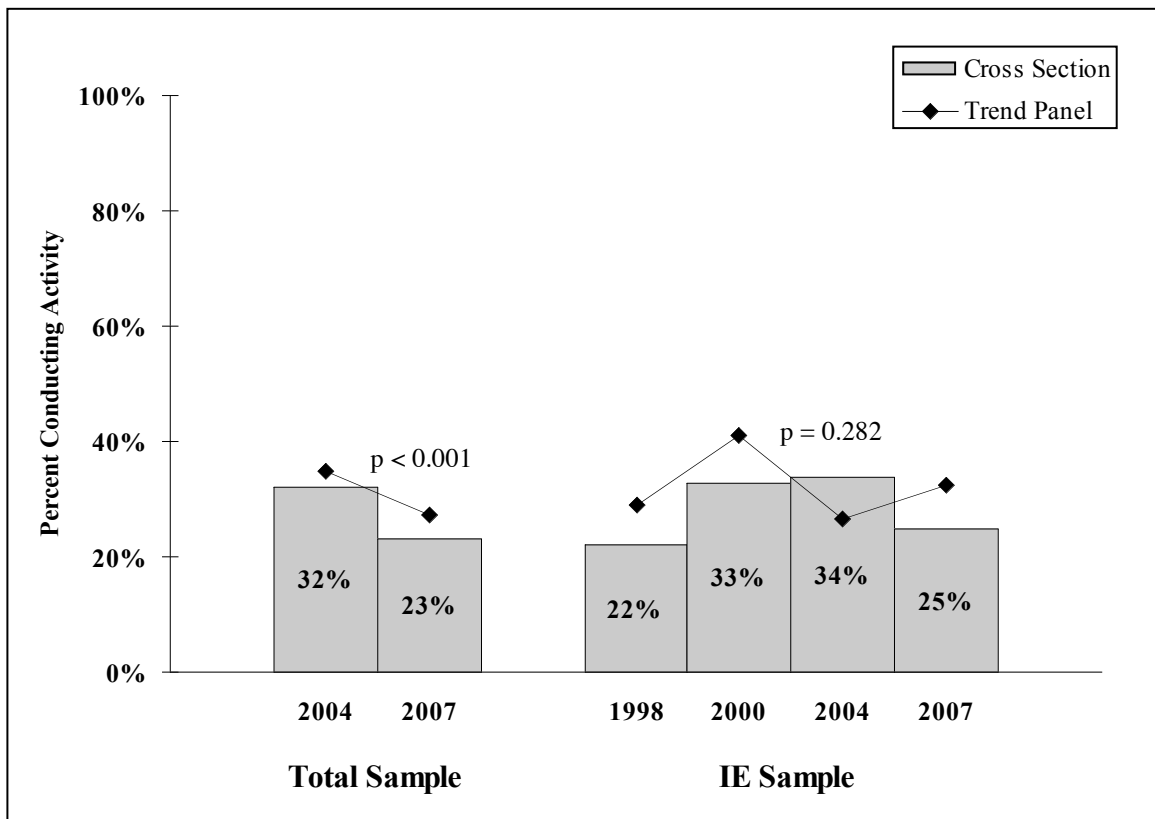
Figure SHS-5c
Secondhand Smoke Enforcement Agency Activities in Bars:
Issue Warnings



Note: Percentages reflect the number of agencies that reported doing at least one instance of enforcement in the six months prior to the survey.

Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

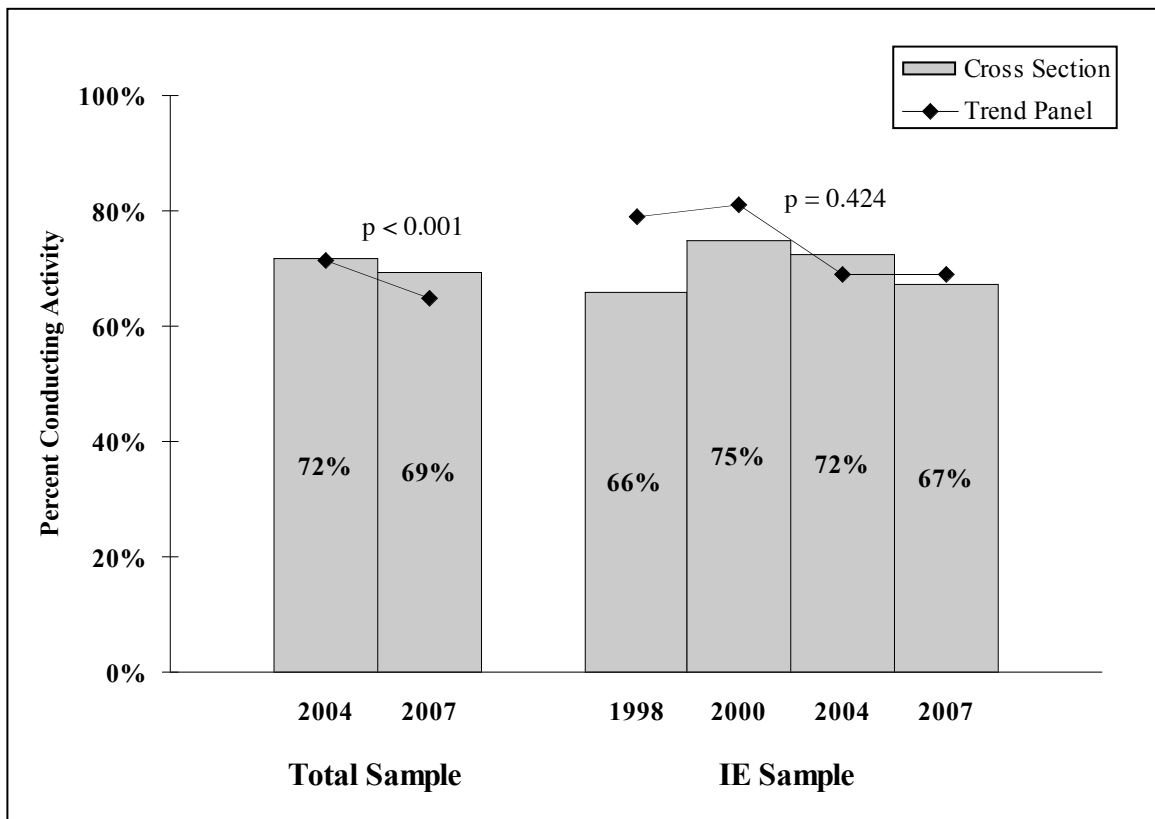
Figure SHS-5d
Secondhand Smoke Enforcement Agency Activities in Bars:
Issue Citations



Note: Percentages reflect the number of agencies that reported doing at least one instance of enforcement in the six months prior to the survey.

Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Figure SHS-5e
Secondhand Smoke Enforcement Agency Activities in Bars:
Conduct Compliance Checks



Note: Percentages reflect the number of agencies that reported doing at least one instance of enforcement in the six months prior to the survey.

Source: SHS Enforcement Survey, 1996, 1998, 2000, 2004, and 2007.

Predictors of Enforcement. Most of the factors used as predictors of local enforcement of smoke-free bar laws are the same as those used to predict enforcement of the non-bar provisions of LC§6404.5: relative seriousness of SHS as a community problem; beliefs about the barriers to conducting enforcement operations of SHS laws; beliefs about the barriers to achieving compliance with SHS laws; and the extent of enforcement agency collaboration with other groups on enforcing SHS laws. Each of these variables/factors has been described above as predictors of enforcement of the non-bar provisions of LC§6404.5. In addition to these items, we asked about two specific predictors of smoke-free bar enforcement: relative importance of enforcement of smoke-free bar laws; and perceived compliance with smoke-free bar laws.

Importance of enforcement. Compared to other laws enforced by respondent agencies, enforcement of laws that prohibit smoking in bars specifically is only moderately important (mean = 3.77 on a 7-point scale where 1 = “not at all important” and 7 = “very important”, SD = 1.95, n = 183). This variable did not differ across agencies from urban, suburban, or rural counties, and is down slightly from that reported statewide in 2004 (mean = 4.3).

Perceived compliance. The vast majority of enforcement agencies (90%) believe that bars are compliant with SHS laws (mean = 5.92 on a 7-point scale, SD = 1.12, n = 180). This variable did not differ significantly across agencies from urban, suburban, or rural counties, and these statewide results are also nearly identical to those found in the 2004 SHS enforcement survey (mean = 5.92).

Multivariate analyses. In our multivariate analyses of smoke-free bar enforcement data we looked at the degree to which the above six variables/factors were independent predictors of three different dependent variables: whether agencies engaged in any type of smoke-free bar enforcement activity in the previous six months (as enumerated in Table SHS-6); whether agencies engaged in any high-level SHS enforcement activity in the previous six months (any enforcement activity except educating bar owners or educating others); and whether agencies conducted any compliance checks in bars during the previous six months. Results of these analyses were generally comparable, so we report here only on predictors of SHS compliance check activities in bars.

Table SHS-7 presents findings from logistic regression analyses using data from 131 agencies statewide. Only one variable was found to be a statistically independent predictor of whether compliance checks were conducted in the previous six months: greater relative importance of enforcement of SHS laws in bars ($p < 0.03$). This model explained only 9% of the variance in whether compliance checks were conducted in bars during the previous six months.

Table SHS-7
**Associations between independent variables and
whether any SHS compliance checks were conducted in bars**

<i>Independent Variables</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Relative seriousness of problem	0.84	0.50 – 1.41	0.50
Relative importance of enforcement	1.40	1.04 – 1.88	0.03
Perceived compliance	0.75	0.48 – 1.18	0.22
Barriers to enforcement	1.05	0.77 – 1.44	0.74
Barriers to compliance	0.94	0.61 – 1.43	0.76
Collaboration on enforcement	1.09	0.76 – 1.57	0.64

NOTE: Analyses include non-missing data from 144 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: $p = 0.54$.

Enforcement of GC§7596-7598 — Smoke-free Doorway and Window Areas

Current Enforcement Activities. Government Code §7596-7598 (AB 846) went into effect January 1, 2004 banning smoking within near entrances, exits, and covered parking lots and operable windows of municipal, county, regional, state buildings, and buildings of the University of California, California State University, and community colleges. About half of all agencies statewide (47%) reported conducting any GC§7596-7598-related enforcement activities in the year prior to the 2007 survey. The activity rate did not differ at all among agencies located in LLA-designated urban, suburban, or rural counties.

Table SHS-8 shows that about one-third of local agencies reported specific enforcement activities related to GC§7596-7598 during the previous year: conducting compliance checks (42% of responding agencies statewide), responding to complaints (38%) and inquiries (37%), issuing warnings (30%), and educating other agencies about the law (25%). No differences were observed on these enforcement activities among agencies located in urban, suburban, or rural counties.

Table SHS-8
Frequency of enforcement activities conducted by agency related
to Government Code §7596-7598 during prior year

	<i>Mean (SD)*</i>	<i>Ever ** (% agencies)</i>	<i>Valid N</i>
a. Responded to inquiries	1.77 (1.35)	37	136
b. Responded to complaints	1.75 (1.28)	38	138
c. Issued warnings	1.54 (1.04)	30	136
d. Issued citations	1.10 (0.41)	7	134
e. Issued fines	1.10 (0.45)	6	129
f. Conducted compliance checks	2.23 (1.80)	42	137
g. Educated other agencies about Government Code §7596-7598	1.59 (1.28)	25	134
h. Other (e.g., no complaints)	1.58 (1.74)	11	19

* 1 = Never, 2 = Rarely, 7 = Very Often

** Ever is any valid response other than “Never”

Among the agencies stating that they issued any GC§7596-7598 citations in the prior year, the average number of citations issued was 6.33 (SD = 2.88), and all of these were prosecuted. There were no significant differences among urban, suburban, or rural agencies on reported GC§7596-7598 citations or prosecutions.

Predictors of Enforcement. We looked at various factors that may be predictors of local enforcement activities related to GC§7596-7598, including: relative seriousness of smoking near entrances, exists, covered parking lots, and operable windows as a community problem; relative importance of enforcement of these laws; perceived compliance with these laws; beliefs about the barriers to conducting enforcement operations of these laws; beliefs about the barriers to achieving compliance with these laws; and the extent of enforcement agency collaboration with other groups on enforcing GC§7596-7598.

Seriousness of the problem. Compared to other community problems, most agencies believe that the issue of smoking near entrances, exits, and windows is “not at all serious” (45%) or only “somewhat serious” (29%). Only 9% of the 145 agencies providing valid responses rated the problem as “very serious” compared to other problems. There were no differences in ratings of the relative seriousness of this problem among urban, suburban, or rural agencies.

Importance of enforcement. Compared to other laws enforced by respondent agencies, enforcement of GC§7596-7598 is only moderately important (mean = 3.74 on a 7-point scale where 1 = “not at all important” and 7 = “very important”, SD = 1.93, n = 164). This variable did not differ across agencies from urban, suburban, or rural counties.

Perceived compliance. Most enforcement agencies (80%) believe that people in their jurisdiction are compliant with GC§7596-7598 (mean = 5.69 on a 7-point scale, SD = 1.48, n = 164). This variable did not differ significantly across agencies from urban, suburban, or rural counties.

Barriers to enforcement. In 2007, one issue ranked as the top barrier to agencies conducting enforcement activities related to smoking near entrances, exits, and windows: limited staff (mean = 4.41 on a 7-point scale with 1 = “not at all a barrier” and 7 = “a large barrier”; SD = 2.43, n = 157), followed by limited funds for enforcement (mean = 3.73, SD = 2.42, n = 154) (see Table SHS-9). Low community priority (mean = 3.08) and lack of support from community leaders (mean = 2.26) were lower-rated barriers to enforcement.

Table SHS-9
Perceived extent of barriers to enforcing laws
that prohibit smoking near building entrances and windows

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. No money in our budget	3.73 (2.42)	154
b. Limited staff	4.41 (2.43)	157
c. Not a priority in our community	3.08 (2.08)	153
d. Lack of support from community leaders	2.26 (1.61)	152
e. Other (e.g., lack of need, no enforcement money)	1.55 (1.23)	20

* 1= Not at all a barrier, 7 = A large barrier

The mean of all barriers to enforcement items was calculated as a factor for use in multivariate analyses (mean = 3.40, SD = 1.79, n = 157). There were no differences on mean enforcement barrier scores among agencies from urban, suburban or rural counties. Agencies from suburban counties, however, rated lack of community priority as a significantly higher barrier to enforcement than did agencies from rural or urban counties (Tukey HSD, $p = 0.017$ and $p = 0.051$, respectively).

Barriers to compliance. None of the barriers to achieving compliance with GC§7596-7598 was rated especially high by agencies statewide, with the exception of insufficient enforcement operations conducted (mean = 3.04, SD = 2.21, n = 152) (see Table SHS-10). Nor did we detect differences in perceived barriers among agencies from urban, suburban or rural counties.

Table SHS-10
Perceived extent of barriers to achieving compliance with
laws that prohibit smoking near building entrances and windows

	<i>Mean (SD)*</i>	<i>Valid N</i>
a. Insufficient enforcement operations conducted	3.04 (2.21)	152
b. Fines/penalties are insufficient deterrents	2.17 (1.67)	147
c. Lack of signage posted for English speakers	2.22 (1.68)	152
d. Lack of signage posted for Spanish speakers	2.24 (1.68)	152
e. Lack of awareness among English speakers	2.29 (1.75)	150
f. Lack of awareness among Spanish speakers	2.36 (1.84)	151
g. Lack of stories in the local media about the law	2.66 (2.00)	149
h. Other (e.g., no enforcement money)	1.65 (1.35)	20

* 1 = Not at all a barrier, 7 = A large barrier

Collaboration. About half (49%) of all enforcement agencies reported having worked at least once with county or state health departments on education or enforcement of GC§7596-7598 during the year prior to the 2007 survey (see Table SHS-11). And, about one-third of agencies reported having collaborated at least once with other groups and agencies: other law enforcement agencies (39% of agencies reporting); local tobacco control programs (38%); local government officials (38%); educational organizations (36%); park and recreation programs (32%) businesses (31%); and tobacco control coalitions (30%). But, the level of collaboration was not high with any of these groups (see Table SHS-11). The mean of all collaboration items was calculated as a factor for use in multivariate analyses (mean = 1.83, SD = 1.22, n = 156). Neither this collaboration factor nor any individual collaboration item differed significantly across agencies from urban, suburban, or rural counties.

Table SHS-11
Frequency of collaboration on education or enforcement of laws that prohibit smoking near building entrances and windows during prior year

	<i>Mean (SD)*</i>	<i>Ever ** (% agencies)</i>	<i>Valid N</i>
a. County or state health department	2.18 (1.68)	49	155
b. Local tobacco control programs	1.91 (1.56)	38	154
c. Local government officials (e.g., city council, board of supervisors)	1.87 (1.42)	38	154
d. Park and recreation programs	1.69 (1.33)	32	154
e. Voluntary health organizations (e.g., ACS)	1.58 (1.30)	25	154
f. Educational organizations (e.g., local schools)	1.91 (1.54)	36	154
g. Businesses (e.g., restaurant associations)	1.66 (1.29)	31	154
h. Tobacco control coalitions	1.81 (1.62)	30	153
i. Other law enforcement agencies (e.g., fire department, code enforcement, city manager)	1.82 (1.37)	39	153
j. Other	1.12 (0.43)	8	26

* 1 = Never, 7 = Very Often

** Ever is any valid response other than "Never"

Multivariate analyses. Because GC§7596-7598 is a relatively new set of laws, we focused our multivariate analysis on whether agencies engaged in *any* type of law enforcement activity regarding smoking proximal to entrances, exits, and windows in the prior year (as enumerated in Table SHS-8). Table SHS-12 presents findings from a logistic regression analysis using data from 136 agencies statewide. Only one variable measured is a statistically independent predictor of whether any GC§7596-7598 law enforcement activities were conducted during the prior year: more frequent collaboration with other groups on enforcing GC§7596-7598 ($p = 0.01$). This model explained only 16% of the variance in whether any GC§7596-7598 law enforcement activities were conducted during the prior year.

Table SHS-12

Associations between independent variables and whether any enforcement activities were conducted regarding the smoking near entrances or windows law

<i>Independent Variables</i>	<i>Odds Ratio</i>	<i>Confidence Interval</i>	<i>P value</i>
Relative seriousness of problem	1.19	0.72 – 1.97	0.49
Relative importance of enforcement	1.14	0.87 – 1.48	0.35
Perceived compliance	0.93	0.71 – 1.22	0.60
Barriers to enforcement	1.20	0.93 – 1.56	0.16
Barriers to compliance	1.02	0.77 – 1.35	0.90
Collaboration on enforcement	1.63	1.13 – 2.37	0.01

NOTE: Analyses include non-missing data from 136 agencies statewide; factor scores (means) were used for barriers to enforcement, barriers to compliance, and collaboration on enforcement independent variables; Hosmer Lemeshow Goodness of Fit: $p = 0.65$.

Discussion

Youth Access

The youth access survey results indicate that enforcement agency actions have declined somewhat much since the 2004 survey. About one-quarter of enforcement agencies conducted youth decoy operations in 2007, down from about 30% in 2004 and from 35% in 2000. The further reduction in the percent of agencies actively enforcing PC308(a) is disappointing, given that TCS has continued to expend resources to stimulate enforcement through trainings, and technical assistance to law enforcement agencies.

Agencies report a dramatic drop in the average number of youth decoy operations (“stings”) from almost 11 operations per year reported in 2004 to 3.6 per year in 2007. Despite the low rates of decoy operations, most agencies report that they issued warnings and citations to merchants selling tobacco products to minors, although these rates have declined from 2004. Fewer than 5% of enforcement agencies report, however, that warnings and citations were issued to merchants “often” or “very often.” The low rate of warnings and citations may also reflect the 14% illegal sales rate estimated by the agencies.

From 2004 to 2007, there was a slight drop in the proportion of law enforcement agencies reporting that they issued warnings to minors possessing tobacco products, but those issuing citations remained the same. There were no significant changes in these types of activities since the 2004 survey.

Three variables were identified as independent predictors of whether an agency enforced PC§308: perceptions of greater collaboration with other agencies; lower perceived barriers to enforcement; and receipt of funding for enforcement. These findings confirm the importance of maintaining support for local enforcement agencies through collaboration and funding.

Finally, agencies operating in jurisdictions with strong local retail licensing ordinances reported conducting four times as many decoy operations over the prior 12 months than did agencies in jurisdictions without strong ordinances, underscoring the considerable value of local policy actions.

Secondhand Smoke

Enforcement of LC§6404.5 — Smoke-free Workplaces (Excluding Bars). Almost two-thirds (61%) of enforcement agencies throughout California reported conducting at least one workplace-related SHS enforcement activity in year prior to the 2007 statewide SHS survey. Cross-sectionally, this level of activity did not change from what was reported from the 2004 statewide SHS survey. About half the agencies reported in 2007 that they responded to inquiries and complaints and conducted compliance checks, but relatively few agencies issued fines or citations. Agencies in rural counties reported issuing significantly fewer warnings for violations of LC§6404.5 than did agencies in urban and suburban counties of California.

Among the agencies that completed both the 2004 and 2007 statewide SHS surveys, there is a significant decline in the percent reporting involvement in all types of enforcement actions: responding to workplace SHS inquiries; responding to complaints; issuing warnings; issuing citations; and conducting compliance checks. An analysis of data collected from agencies in the IE sub-sample from 1996 to 2007 shows similar declines in nearly all enforcement actions across the five survey waves.

Multivariate analyses revealed that agency ratings of the relative importance of enforcement of SHS laws, as compared to other laws, is the only independent predictor of whether any SHS compliance checks were conducted by the agency in the prior year. Even so, agencies rate enforcement of laws that prohibit smoking in indoor public areas as being only moderately important, somewhat of a decline from the 2004 ratings. Most enforcement agencies perceive that the rate of compliance with workplace SHS laws is high, and few believe that the workplace SHS problem is very serious in their community. As in 2004, salient barriers to enforcement of SHS laws are limited agency staff and insufficient budget. In 2004, enforcement agency collaboration with other groups was shown to be an independent predictor of SHS compliance checks, but this is not the case in 2007. In fact, significant declines are seen statewide from 2004 to 2007 in the percent of agencies reporting collaboration on SHS workplace law enforcement with businesses, voluntary health organizations, and educational organizations. Non-significant declines were seen in the percent of enforcement agencies collaborating with county health departments, local government officials, and tobacco coalitions.

Enforcement of LC§6404.5 — Smoke-free Bar Provision. Enforcement of the smoke-free bar provision is higher than for other workplace provisions included in LC§6404.5. Almost three-quarters of the responding agencies in 2007 conducted at least one bar-related SHS enforcement activity during the previous six months, about the same as in 2004, and responses did not vary significantly among agencies in urban, suburban and rural counties. Half or more of all agencies reported that they responded to inquiries and complaints, down from 2004, and about the same percentage educated bar owners and others about the law. More than two-third of agencies report conducting compliance checks, fewer than half issued warnings, and fewer than one-quarter of all agencies issued citations or fines for violation of the smoke-free bar provision, all down from 2004. Bar-related SHS enforcement activity rates were not significantly different among urban, suburban, or rural agencies

Among all agencies reporting that they issued any citations for violation of the LC§6404.5 smoke-free bar provision, only 3% reported having issued at least one citation for a hookah bar or lounge violation in the previous six months.

Significant declines are seen statewide from 2004 to 2007 in the percent of agencies reporting that they had responded to inquiries, responded to complaints, conducted compliance checks, issued warnings, and issued citations related to SHS laws in bars. Agencies in the IE sub-sample only show significant differences across the four 1998-2007 surveys in the percent of agencies reporting that they had responded to inquiries.

Only one variable was found to be a independent predictor of whether SHS compliance checks were conducted in bars during the previous six months: greater relative importance of

enforcement of SHS laws in bars. Nevertheless, compared to other laws enforced by respondent agencies, enforcement of laws that prohibit smoking in bars specifically is rated by agencies as being only moderately important, down from the rating level reported in 2004.

Enforcement of GC§7596-7598— Smoke-free Doorway and Window Areas. The levels of enforcement activities related to GC§7596-7598 is lower than for either of the smoke-free workplace provisions of LC§6404. Statewide, only about half of all agencies reported conducting any GC§7596-7598-related enforcement activities in the year prior to the 2007 survey, and the activity rate did not differ among agencies located in urban, suburban, or rural counties. More than 40% of the responding agencies reported conducting compliance checks related to this law, and more than one-third responded to inquiries and complaints, and less than one-third issued warnings. Very few agencies issued citations or fines for violations of the law.

Most of the agencies believe that this issue is less serious than other community problems, and that there is fairly good compliance in their jurisdiction. Barriers to enforcement, such as limited staff and insufficient funding, ranked at about the same level as the perceived barriers to enforcing smoke-free workplace laws. The only significant predictor of whether an agency conducted any enforcement activity regarding GC§7596-7598 is the level of collaboration with other community groups and agencies.

In general, enforcement agencies believe that there are high rates of compliance in their communities with the three SHS laws that were addressed in the survey. There is, however, variability in enforcement of SHS laws at the local level. Smoke-free bar provisions appear to be more actively enforced than other workplace provisions, while the law requiring smoke-free doorway, window and parking areas is enforced less than either of the other two laws. Perceptions about the importance of the laws and the amount of collaboration with other agencies on enforcement activities both predict whether an agency actively enforces these laws. The findings point to important roles Local Lead Agencies and their partners can play both in educating their communities and enforcement agencies about reducing exposure to SHS through law enforcement and in facilitating collaboration with SHS enforcement agencies.

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Attachments

1. Youth access packet (letter and survey)
2. Secondhand smoke packet (letter and survey)
3. Reminder postcards
4. CD-ROM containing:
 - Codebooks
 - SPSS Files
 - Report
 - Attachments